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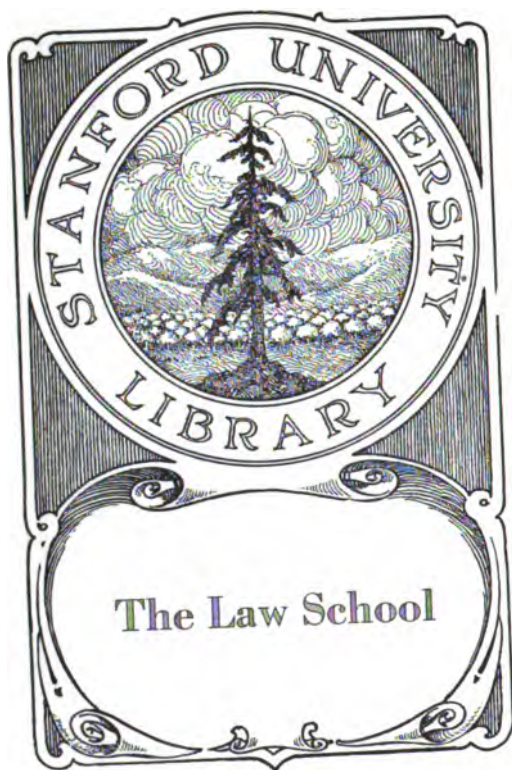
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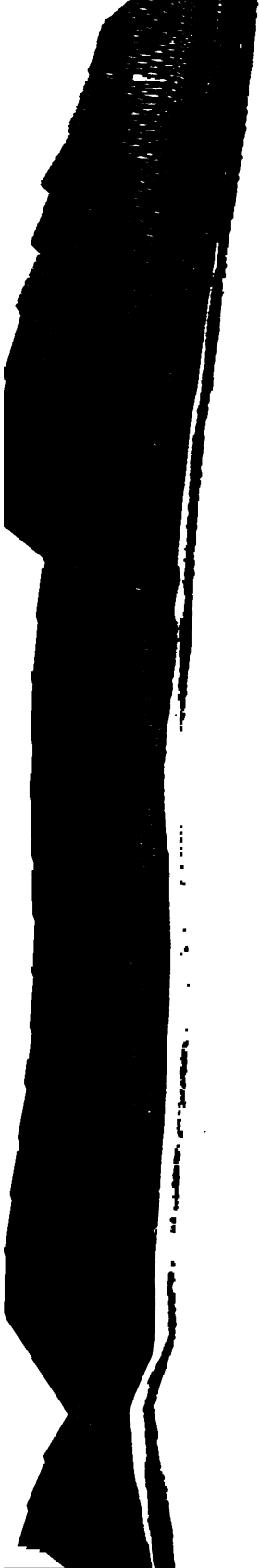
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STATUTES AT LARGE
OF THE
STATE OF NEW YORK,

CONTAINING

THE GENERAL STATUTES PASSED IN THE YEARS
1875, 1876, 1877, 1878, 1879 & 1880,

WITH
TABLE OF AMENDED AND REPEALED STATUTES, ETC.,

EDITED BY
A. G. CONANT,
COUNSELOR-AT-LAW.

VOLUME X.

ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.
1882.

L14810

JUL 13 1938

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PREFATORY NOTE.

It is the intention, in this volume, not only to present the general statutes of the years 1875-80, selected and arranged in accordance with the plan originally adopted by Judge Edmonds, but also to show what changes have been worked in the statutes contained in the preceding volumes of the series, by amendments and repeals, up to and including September 1, 1880. For this purpose the "Appendix A" has been added, which, it is hoped, will enable those possessing it to determine whether, and to what extent, changes have been made in the law contained on any given page of Edmonds' Statutes.

In order that the table may be of service to those using other compilations of the statutes, the chapters, titles and sections affected by subsequent enactments have, in every case, been noted; and, as the topical arrangement of statutes in volumes 3-5 of Edmonds' renders it difficult to find the location in those volumes of any statute cited only by year and chapter, or date of passage, "Appendix B" has been prepared. The chronological arrangement in this table, of the acts contained in the volumes referred to, will facilitate the finding of any required statute in "Appendix A," and will also be of assistance in obviating those disadvantages of the topical arrangement mentioned by Judge Edmonds in his preface to the third volume (pp. vi-vii).

For many valuable notes of cases, appended to the statutes in this volume, the profession is indebted to the diligence and learning of the late Mr. Isaac Grant Thompson. That his annotations do not extend throughout the volume is but one of the many losses occasioned the profession and the public by his lamented and untimely death.

SALEM, 1881.

A. G. C.

- CHAP. 12.** An Act to enable Genesee College to contract with Genesee Wesleyan Seminary to fulfill the obligation of said college, and to enable said college to transfer the property to said seminary for said purpose.
- CHAP. 13.** An Act to amend an act entitled "An act to incorporate the Genesee Wesleyan Seminary," passed May one, eighteen hundred and thirty-four.
- CHAP. 14.** An Act to authorize the city of Albany to issue its bonds to procure means to pay in part for the erection of an edifice for a public high school. Passed February 13, 1875; three-fifths being present.
- CHAP. 15.** An Act to authorize the town of Richmond, in the county of Ontario, to raise money to build a town-house. Passed February 13, 1875; three-fifths being present.
- CHAP. 16.** An Act to amend section sixth of title second, chapter tenth of part third of the Revised Statutes, concerning security for the payment of costs. Passed February 13, 1875.
- CHAP. 17.** An Act authorizing and empowering the board of public works of the city of Rochester to construct a turn-table or swing-bridge over the Genesee Valley canal in West avenue in the city of Rochester. Passed February 16, 1875; three-fifths being present.
- CHAP. 18.** An Act to authorize the city of Newburgh to borrow moneys and issue bonds therefor in payment of improvements made in the water-works of said city, and to issue other bonds hereafter to pay water bonds heretofore issued. Passed February 16, 1875; three-fifths being present.
- CHAP. 19.** An Act to provide more effectually for the punishment of speculation and other wrongs affecting public moneys and rights of property. Passed February 17, 1875; three-fifths being present.
- CHAP. 20.** An Act to amend an act entitled "An act to incorporate the city of Binghamton," passed April ninth, eighteen hundred and sixty-seven, and the several acts amending the same. Passed February 19, 1875; three-fifths being present.
- CHAP. 21.** An Act to authorize the common council of the city of Rochester to submit certain questions to the people at the next charter election. Passed February 19, 1875; three-fifths being present.
- CHAP. 22.** An Act to amend sections one hundred and twenty-two and one hundred and twenty-three of article six, of title one, of chapter sixteen, of part first of the Revised Statutes, in relation to the erection, repairing and preservation of bridges. Passed February 19, 1875; three-fifths being present.
- CHAP. 23.** An Act to authorize the common council of the city of Lockport to raise by tax the sum of two thousand dollars to expend in repairing the Spaulding hose carriage house in said city. Passed February 20, 1875; three-fifths being present.
- CHAP. 24.** An Act to amend title seven of chapter one of part four of the Revised Statutes relative to the punishments for attempting to commit offenses. Passed February 20, 1875; three-fifths being present.
- CHAP. 25.** An Act to reduce the term of imprisonment of convicts in the several penitentiaries of this State. Passed February 20, 1875; three-fifths being present.
- CHAP. 26.** An Act making an appropriation to pay Erastus D. Palmer for the bronze statue of Robert R. Livingston. Passed February 20, 1875; by a two-third vote.
- CHAP. 27.** An Act to designate the holidays to be observed in the acceptance and payment of bills of exchange, bank checks and promissory notes. Passed February 23, 1875.
- CHAP. 28.** An Act to amend an act entitled "An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State," known as the Code of Procedure. Passed February 24, 1875.

- CHAP. 29.** An Act amendatory of the several acts relating to Washington Park in the city of Albany. Passed February 24, 1875; three-fifths being present.
- CHAP. 30.** An Act to extend the time for the collection of county taxes in the city of Auburn. Passed February 26, 1875; three-fifths being present.
- CHAP. 31.** An Act to provide payment for the services of certain officers and employees of the Assembly. Passed February 26, 1875; three-fifths being present.
- CHAP. 32.** An Act further to amend chapter forty-nine of the laws of eighteen hundred and seventy, entitled "An act to amend the act entitled an act in relation to preferred causes in the supreme court and court of appeals," passed April fifth, eighteen hundred and sixty. Passed February 26, 1875.
- CHAP. 33.** An Act supplementary to an act passed May twentieth, eighteen hundred and seventy-two, entitled "An act to amend the several acts relating to the city of Rochester." Passed February 26, 1875; three-fifths being present.
- CHAP. 34.** An Act to further amend chapter two hundred and four of the laws of one thousand eight hundred and sixty-four, entitled "An act to amend and consolidate the several acts relating to the village of Lansingburgh." Passed February 26, 1875; three-fifths being present.
- CHAP. 35.** An Act supplementary to chapter two hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defense of the union," passed March thirty, eighteen hundred and sixty-six. Passed February 26, 1875; three fifths being present.
- CHAP. 36.** An Act to legalize and confirm the official acts of William Burr, a justice of the peace in the town of Lindley, in Steuben county, and to enable him to take and file his oath of office. Passed February 26, 1875; three-fifths being present.
- CHAP. 37.** An Act to amend chapter six hundred and five of the laws of eighteen hundred and seventy-four, entitled "An act to authorize the Canal Commissioners to build a road or street bridge over the Erie canal, on Goodman street, at the east boundary line of the city of Rochester," passed June fifth, eighteen hundred and seventy-four. Passed March 3, 1875; three-fifths being present.
- CHAP. 38.** An Act to amend section one of chapter two hundred and sixty-one of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act, entitled 'An act to enable resident aliens to hold and convey real estate, and for other purposes,' passed April thirty, eighteen hundred and forty-five," passed April twenty-seven, eighteen hundred and seventy-four. Passed March 3, 1875; by a two-third vote.
- CHAP. 39.** An Act to amend an act entitled "An act to amend the several acts relating to the city of Rochester," passed May twentieth, eighteen hundred and seventy-two. Passed March 3, 1875; three-fifths being present.
- CHAP. 40.** An Act in relation to the census or enumeration of the inhabitants of this State. Passed March 4, 1875; three-fifths being present.
- CHAP. 41.** An Act to provide for the payment of expenses incurred for the support and maintenance of persons confined in the county jail of the county of New York, upon civil process. Passed March 5, 1875; three-fifths being present.
- CHAP. 42.** An Act to amend chapter seventy-nine of the laws of eighteen hundred and thirty-five, entitled "An act to incorporate the Ithaca Mechanics' Society." Passed March 5, 1875.
- CHAP. 43.** An Act for the relief of school district number seventeen of the town of Southport, in the county of Chemung. Passed March 5, 1875; three-fifths being present.

CHAP. 44. An Act to authorize the county of Essex to borrow money for the purpose of enlarging, repairing and improving its county poor-house, and to authorize the issue of bonds and provide for the payment thereof. Passed March 5, 1875; three-fifths being present.

CHAP. 45. An Act to amend an act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eighth, eighteen hundred and sixty-one, and the various acts amendatory thereof. Passed March 9, 1875; three-fifths being present.

CHAP. 46. An Act to legalize the acts of the officers of the village of Newark. Passed March 10, 1875; three-fifths being present.

CHAP. 47. An Act to extend the time for the collection of taxes in the city of Oswego. Passed March 12, 1875; three-fifths being present.

CHAP. 48. An Act to amend chapter three hundred and ninety-nine of the laws of eighteen hundred and seventy-four, entitled "An act to authorize a tax of seven-eighths of a mill per dollar of valuation of the year one thousand eight hundred and seventy-four, for the construction of new work upon and extraordinary repairs of the canals of this State," passed May ninth, eighteen hundred and seventy-four. Passed March 12, 1875; three-fifths being present.

CHAP. 49. An Act to authorize the people of this State to bring and maintain certain actions for the recovery of public moneys and property. Passed March 12, 1875; three-fifths being present.

CHAP. 50. An Act in relation to the reduction of the capital stock of banks, banking associations, individual bankers, and other moneyed corporations, and for other purposes. Passed March 20, 1875.

CHAP. 51. An act to amend the charter of the village of Canandaigua by conferring upon the trustees thereof the power to restrain and regulate the construction of wooden buildings and roofs in said village. Passed March 20, 1875; three-fifths being present.

CHAP. 52. An Act to provide for the discharge of judgments against persons discharged under the United States bankrupt law. Passed March 20, 1875.

CHAP. 53. An Act submitting to the electors of the town of New Lots, in the county of Kings, the question of annexation to the city of Brooklyn. Passed March 20, 1875; three-fifths being present.

CHAP. 54. An Act to extend the time for the collection of taxes in the town of Moriah, in the county of Essex. Passed March 20, 1875; three-fifths being present.

CHAP. 55. An Act to prohibit fishing near any fishway established by the State. Passed March 20, 1875; three-fifths being present.

CHAP. 56. An Act further to amend chapter three hundred and forty-eight of the laws of eighteen hundred and sixty, entitled "An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors." Passed March 20, 1875.

CHAP. 57. An Act to enable the Charity Foundation of the Protestant Episcopal church in the city of Buffalo, to sell and convey certain lands. Passed March 20, 1875.

CHAP. 58. An Act to permit companies or corporations incorporated or formed under or pursuant to the provisions of chapter two hundred and thirty-two of the laws of eighteen hundred and fifty-four, entitled "An Act for the incorporation of companies formed to navigate the lakes and rivers," passed April fifteenth, eighteen hundred and fifty-four, to extend the term of their corporate existence. Passed March 20, 1875.

CHAP. 59. An Act to amend title three of chapter six hundred and twenty-one of the laws of eighteen hundred and fifty-seven, entitled "An act to condense and amend the several acts incorporating, or relating to the village of Skaneateles," passed April sixteenth, eighteen hundred and fifty-seven, and the various acts amending the same. Passed March 20, 1875; three-fifths being present.

CHAP. 60. An Act to amend chapter six hundred and ninety-four of the laws of eighteen hundred and sixty-five, entitled "An act in relation to the deposit required to be made, and the taxes, fines, fees and other charges payable by insurance companies of sister States," passed May eleven, eighteen hundred and sixty-five. Passed March 20, 1875; by a two-third vote.

CHAP. 61. An Act to release the interest of the People of the State of New York to Fritz Fanger, husband of Wilhelmina Fanger, deceased, in and to certain real estate situate in the town of Newtown, Queens county. Passed March 20, 1875; by a two-third vote.

CHAP. 62. An Act to authorize the village of Greenbush to issue bonds for the purpose of raising money. Passed March 20, 1875; three-fifths being present.

CHAP. 63. An Act to amend the charter of the village of Dansville. Passed March 20, 1875; three-fifths being present.

CHAP. 64. An Act concerning the Hahnemann Hospital of the city and county of New York. Passed March 20, 1875.

CHAP. 65. An Act to legalize the acts of the board of trustees of the village of Charlotte. Passed March 20, 1875; three-fifths being present.

CHAP. 66. An Act to legalize and confirm the official acts of William P. Lee, as notary public in the city and county of New York. Passed March 20, 1875; three-fifths being present.

CHAP. 67. An Act to repeal chapter thirty of the laws of eighteen hundred and fifty-three, entitled "An act to consolidate road districts eighteen and nineteen in the town of Ledyard, in the county of Cayuga, and to provide for the election of a pathmaster in said district," passed March fourteenth, eighteen hundred and fifty-three, and all acts in addition to and amendatory thereof. Passed March 20, 1875; three-fifths being present.

CHAP. 68. An Act to amend chapter sixty-one of the laws of eighteen hundred and seventy-three, entitled "An act in relation to the city court of Yonkers," passed March eighth, eighteen hundred and seventy-three. Passed March 20, 1875; three-fifths being present.

CHAP. 69. An Act to repeal chapter one hundred and seventy-one of the laws of eighteen hundred and fifty-three, entitled "An act to establish a free school in district number three, in the town of Cherry Valley," passed April eleventh, eighteen hundred and fifty-three. Passed March 20, 1875; three-fifths being present.

CHAP. 70. An Act to authorize the common council of the city of Rochester to raise money to provide for the deficiencies in the funds of the board of education. Passed March 20, 1875; three-fifths being present.

CHAP. 71. An Act to authorize the commissioners of the town of Groton in the county of Tompkins, appointed under and by virtue of chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six, to issue bonds and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act and falling due in eighteen hundred and seventy-six and eighteen hundred and seventy-seven. Passed March 20, 1875; three-fifths being present.

CHAP. 72. An Act to provide for the appointment of an additional assistant district attorney for the county of Kings, and for his compensation. Passed March 22, 1875; three-fifths being present.

CHAP. 73. An Act to establish specie payments on all contracts or obligations payable in this State in dollars and made after January first, eighteen hundred and seventy-nine. Passed March 22, 1875.

CHAP. 74. An Act to extend the time for the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens. Passed March 26, 1875; three-fifths being present.

CHAP. 75. An Act to extend the time for the collection of taxes in the county of Rockland. Passed March 26, 1875; three-fifths being present.

CHAP. 76. An Act to authorize the extension of the time for the collection of taxes in the several towns of the State. Passed March 26, 1875; three-fifths being present.

CHAP. 77. An Act to authorize Abraham C. Waldron and Simon Vischer (the only surviving members of the consistory of "The ministers, elders and deacons of the Reformed Protestant Dutch church at Halfmoon,") as a board of commission, to alienate certain real estate belonging to said incorporation. Passed March 29, 1875.

CHAP. 78. An Act to authorize the city of Rochester to issue its bonds for the construction of a new school building. Passed March 29, 1875; three-fifths being present.

CHAP. 79. An Act supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies." Passed March 29, 1875.

CHAP. 80. An Act to amend an act entitled "An act to amend the statutes in reference to the collection of taxes in the county of Suffolk," passed May twenty-seventh, eighteen hundred and seventy-three. Passed March 29, 1875; three-fifths being present.

CHAP. 81. An Act to enable the trustees of the village of Clyde, in the county of Wayne, to raise by tax the sum of six thousand dollars and interest thereon, wherewith to pay the indebtedness existing against said village. Passed March 29, 1875; three-fifths being present.

CHAP. 82. An Act to amend chapter four hundred and thirty-three of the laws of eighteen hundred and seventy-four, entitled "An act relative to the Metropolitan Drawing-Room Car Company," passed May tenth, eighteen hundred and seventy-four. Passed March 30, 1875.

CHAP. 83. An Act to incorporate "The Trustees of the Sustentation Fund of the Reformed Episcopal Church." Passed March 30, 1875.

CHAP. 84. An Act to amend chapter six hundred and seventy-three of the laws of eighteen hundred and seventy-one, entitled "An act to authorize the construction of sewers in the village and town of Saratoga Springs, passed April twenty-one, eighteen hundred and seventy-one." Passed March 31, 1875; three-fifths being present.

CHAP. 85. An Act to incorporate the Buffalo Exchange. Passed March 31, 1875.

CHAP. 86. An Act to extend the time for the collection of taxes in the city of Elmira. Passed March 31, 1875; three-fifths being present.

CHAP. 87. An Act providing for the appointment of additional notaries public. Passed April 1, 1875; three-fifths being present.

CHAP. 88. An Act in relation to mortgages made by manufacturing companies. Passed April 1, 1875.

CHAP. 89. An Act providing for the election of bay constables in the towns of Brookhaven, Islip, Babylon and Huntington, in the county of Suffolk, and to define their duties; also, to repeal section eight of chapter two hundred and thirty-four of the laws of eighteen hundred and seventy, entitled "An act for the preservation of shell-fish in the waters of the South bay, Suffolk county." Passed April 1, 1875; three-fifths being present.

CHAP. 90. An Act to authorize the city of Buffalo to issue its bonds for the purpose of raising money to supply a deficiency in the poor department of said city. Passed April 2, 1875; three-fifths being present.

CHAP. 91. An Act empowering the commissioners, appointed to investigate the affairs of the canals of the State in pursuance of a joint resolution of the Senate and Assembly of eighteen hundred and seventy-five, to compel the attendance of witnesses, and fixing the compensation of such commissioners. Passed April 2, 1875; three-fifths being present.

CHAP. 92. An Act to repeal an act entitled "An act to increase the rates of ferriage between the city of Hudson, in the county of Columbia, and the village of Athens, in the county of Greene," passed May fifteen, eighteen hundred and seventy-three. Passed April 2, 1875.

CHAP. 93. An Act to authorize a tax to be levied upon the town of Potsdam, to build a town house. Passed April 6, 1875; three-fifths being present.

CHAP. 94. An Act further to amend chapter six hundred and eighty, of the laws of eighteen hundred and seventy-one, entitled "An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo." Passed April 12 1875; three-fifths being present.

CHAP. 95. An Act to legalize and confirm the official acts of Robert Payne as notary public. Passed April 12, 1875; three-fifths being present.

CHAP. 96. An Act further to amend chapter two hundred and seventy-five of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire engine, and for the mapping and establishment of lines and grades for the streets and public places in said village." Passed April 12, 1875; three-fifths being present.

CHAP. 97. An Act providing for the forfeiture of property in certain cases. Passed April 12, 1875; three-fifths being present.

CHAP. 98. An Act to authorize the commissioner or commissioners of highways of the town of Starkey, in the county of Yates, to change and alter the course and channel of a stream of water known as "Big stream," where the same passes through the village of Dundee in said town. Passed April 12, 1875; three-fifths being present.

CHAP. 99. An Act to amend section forty-six of title two of an act entitled "An act to revise the charter of the city of Buffalo, passed April twenty-eight, eighteen hundred and seventy, relative to the jurisdiction of ward justices of the peace." Passed April 12, 1875; three-fifths being present.

CHAP. 100. An Act supplementary to chapter forty, of the laws of eighteen hundred and seventy-two, entitled "An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water." Passed April 12, 1875; three-fifths being present.

CHAP. 101. An Act to amend an act entitled "An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners," passed April sixteen, eighteen hundred and seventy-two. Passed April 12, 1875; three-fifths being present.

CHAP. 102. An Act to amend an act entitled "An act to amend the act entitled 'An act to incorporate the village of Bath, in the county of Steuben,' passed June twentieth, eighteen hundred and fifty-one." Passed April 12, 1875; three-fifths being present.

CHAP. 103. An Act to release the interest of the People of the State of New York in certain real estate to the town of Naples, Ontario county. Passed April 12, 1875, by a two-third vote.

CHAP. 104. An Act to enable the board of education of the city of Brooklyn to sell certain lands. Passed April 12, 1875; three-fifths being present.

CHAP. 105. An Act to amend an act entitled "An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein," passed June eighteen, eighteen hundred and seventy-three. Passed April 12, 1875; three-fifths being present.

CHAP. 106. An Act to release certain lands which have escheated to the State to Eliza Blain, widow of John Blain, late of the city of Buffalo. Passed April 12, 1875, by a two-thirds vote.

CHAP. 107. An Act in relation to the treatment of animals. Passed April 13, 1875; three-fifths being present. Without the approval of the Governor, pursuant to the provision of section nine of article four of the Constitution.

CHAP. 75. An Act to extend the time for the collection of taxes in the county of Rockland. Passed March 26, 1875; three-fifths being present.

CHAP. 76. An Act to authorize the extension of the time for the collection of taxes in the several towns of the State. Passed March 26, 1875; three-fifths being present.

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CHAP. 96. An Act further to amend chapter two hundred and seventy-five of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire engine, and for the mapping and establishment of lines and grades for the streets and public places in said village." Passed April 12, 1875; three-fifths being present.

CHAP. 97. An Act providing for the forfeiture of property in certain cases. Passed April 12, 1875; three-fifths being present.

CHAP. 98. An Act to authorize the commissioner or commissioners of highways of the town of Starkey, in the county of Yates, to change and alter the course and channel of a stream of water known as "Big stream," where the same passes through the village of Dundee in said town. Passed April 12, 1875; three-fifths being present.

CHAP. 99. An Act to amend section forty-six of title two of an act entitled "An act to revise the charter of the city of Buffalo, passed April twenty-eight, eighteen hundred and seventy, relative to the jurisdiction of ward justices of the peace." Passed April 12, 1875; three-fifths being present.

CHAP. 100. An Act supplementary to chapter forty, of the laws of eighteen hundred and seventy-two, entitled "An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water." Passed April 12, 1875; three-fifths being present.

CHAP. 101. An Act to amend an act entitled "An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners," passed April sixteen, eighteen hundred and seventy-two. Passed April 12, 1875; three-fifths being present.

CHAP. 102. An Act to amend an act entitled "An act to amend the act entitled 'An act to incorporate the village of Bath, in the county of Steuben,' passed June twentieth, eighteen hundred and fifty-one." Passed April 12, 1875; three-fifths being present.

CHAP. 103. An Act to release the interest of the People of the State of New York in certain real estate to the town of Naples, Ontario county. Passed April 12, 1875, by a two-third vote.

CHAP. 104. An Act to enable the board of education of the city of Brooklyn to sell certain lands. Passed April 12, 1875; three-fifths being present.

CHAP. 105. An Act to amend an act entitled "An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein," passed June eighteen, eighteen hundred and seventy-three. Passed April 12, 1875; three-fifths being present.

CHAP. 106. An Act to release certain lands which have escheated to the State to Eliza Blain, widow of John Blain, late of the city of Buffalo. Passed April 12, 1875, by a two-thirds vote.

CHAP. 107. An Act in relation to the treatment of animals. Passed April 13, 1875; three-fifths being present. Without the approval of the Governor, pursuant to the provision of section nine of article four of the Constitution.

CHAP. 108. An Act in relation to railroad corporations. Passed April 15, 1875; three-fifths being present.

CHAP. 109. An Act to authorize the supervisors of Kings county to meet deficiencies in the appropriations made for the relief and support of the poor for the year eighteen hundred and seventy-five. Passed April 15, 1875; three-fifths being present.

CHAP. 110. An Act to confirm the official acts of the trustees of the Delaware Literary Institute.

CHAP. 111. An Act to repeal chapter six hundred and forty-five of the laws of eighteen hundred and seventy-three, entitled "An act to alter the map or plan of the city of New York by extending Desbrosses street." Passed April 16, 1875; three-fifths being present.

CHAP. 112. An Act to amend sections two and three of chapter four hundred and eighty-five of the laws of eighteen hundred and seventy-two, entitled "An act to amend chapter twelve of the laws of eighteen hundred and seventy-two, entitled 'An act prescribing the officers and employees that may be elected, appointed or employed, by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses.'" Passed April 17, 1875; three-fifths being present.

CHAP. 113. An Act to extend the operation and effect of the act passed February seventeenth, eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes." Passed April 17, 1875.

CHAP. 114. An Act to amend an act giving the consent of the State of New York to the purchase by the United States of certain property in the counties of Queens and Richmond, and to cede to the United States the jurisdiction thereof, passed April fifteenth, eighteen hundred and fifty-seven. Passed April 17, 1875, by a two-third vote.

CHAP. 115. An Act to amend an act entitled "An act to empower the board of water commissioners of the city of Buffalo, together with the common council of said city, to establish or designate public hydrants in said city, and providing for the appointment of water commissioners in said city," passed June twenty-five, eighteen hundred and seventy-three. Passed April 17, 1875; three-fifths being present.

CHAP. 116. An Act to release to Patrick J. Wallace as executor of Anna Hanlon, deceased, the real estate of which Edward Brown died seized. Passed April 17, 1875, by a two-third vote.

CHAP. 117. An Act to release the interest of the People of the State of New York to the children and the heirs of William Smith, deceased, and to enable them to take, hold and dispose of certain real estate. Passed April 17, 1875; by a two-third vote.

CHAP. 118. An Act to permit the New Jersey and New York Railway Company to continue their road from Haverstraw into Orange and Ulster counties. Passed April 17, 1875.

CHAP. 119. An Act to amend chapter one hundred and forty-six of the laws of eighteen hundred and seventy-two, entitled "An act to authorize corporations to hold and convey real estate for business purposes in other States, with the consent thereof." Passed April 17, 1875.

CHAP. 120. An Act to amend chapter thirty-seven of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of gas-light companies." Passed April 17, 1875.

CHAP. 121. An Act to enable Ann Noble to take and hold real estate, and to release to her the interest and title in lands escheated to the State. Passed April 17, 1875, by a two-third vote.

- CHAP. 122.** An Act to release the right, title and interest of the People of the State of New York in and to certain real estate in the city of New York to Julia A. Cosby, widow, and John E. Cosby, Colbert M. Cosby and Heintzelmann B. Cosby, heirs at law of Edmund Cosby, deceased. Passed April 17, 1875, by a two-third vote.
- CHAP. 123.** An Act to amend chapter one hundred and twenty-seven of the laws of eighteen hundred and fifty-nine, entitled "An act to increase the number of coroners in Queens county." Passed April 17, 1875; three-fifths being present.
- CHAP. 124.** An act relating to the common schools in the village of Jamaica, in the county of Queens. Passed April 17, 1875; three-fifths being present.
- CHAP. 125.** An Act making appropriations for the payment of the principal and the interest of the canal debt for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-five, and to provide for the payment of the principal and interest of the debt contracted under section twelve of article seven of the Constitution. Passed April 17, 1875; three-fifths being present.
- CHAP. 126.** An Act to amend an act entitled "An act amending, revising, and consolidating the several acts in relation to the village of Greenbush," passed March twenty-second, eighteen hundred and fifty-four, and April twenty-ninth, eighteen hundred and sixty-three, passed April twenty-fifth, eighteen hundred and seventy-one. Passed April 20, 1875; three fifths being present.
- CHAP. 127.** An Act to amend an act entitled "An act to empower the judges of the superior court of Buffalo to employ a stenographer," passed March eleven, eighteen hundred and seventy-four. Passed April 21, 1875; three-fifths being present.
- CHAP. 128.** An Act to authorize the New York Bowery Fire Insurance Company to elect one or more vice-presidents. Passed April 21, 1875.
- CHAP. 129.** An Act to amend an act entitled "An act to reorganize the local government of the city of New York," passed April thirtieth, eighteen hundred and seventy-three. Passed April 21, 1875; three-fifths being present.
- CHAP. 130.** An Act for the incorporation of societies for the prevention of cruelty to children. Passed April 21, 1875; three-fifths being present.
- CHAP. 131.** An Act to appoint a reporter of the decisions of the supreme court. Passed April 22, 1875; three-fifths being present.
- CHAP. 132.** An Act to release the interest of the People of the State of New York in certain real estate in the town of Avon, New York, to Margaret Curran. Passed April 22, 1875, by a two-third vote.
- CHAP. 133.** An Act to release the interest of the People of the State of New York in certain real estate in Kirkland, Oneida county, New York, to Mary Hughes, widow of James Hughes, deceased, her heirs and assigns. Passed April 22, 1875, by a two-third vote.
- CHAP. 134.** An Act to release the interest of the People of the State of New York in certain real estate in the city of Albany, to Samuel T. Fisher. Passed April 22, 1875, by a two-third vote.
- CHAP. 135.** An Act to amend the act entitled "An act to provide for the promotion of public health, and for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburg," passed May fourth, one thousand eight hundred and sixty-four—being chapter five hundred and seventy-seven of the laws of eighteen hundred and sixty-four—as amended by chapter one hundred and eighty of the laws of eighteen hundred and sixty-eight, and chapter three hundred and sixty of the laws of eighteen hundred and seventy-one. Passed April 22, 1875; three-fifths being present.

CHAP. 136. An Act to authorize the appointment of Commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in foreign States and Countries, and for other purposes, and to repeal chapter three hundred and eight of the laws of eighteen hundred and fifty-eight, and the acts amendatory thereof, together with so much of chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of Commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and Territories, and the acts amendatory thereof, as authorizes the appointment by the Governor of this State of Commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in the Dominion of Canada. Passed April 22, 1875.

CHAP. 137. An Act to legalize the annual town meeting, held at the Salem hotel, in the town of Salem, county of Washington, the election, resolutions and proceedings by said meeting, and all acts and proceedings in pursuance thereof. Passed April 22, 1875; three-fifths being present.

CHAP. 138. An Act further to amend chapter one hundred and thirty of the laws of eighteen hundred and forty-two, entitled "An act respecting elections other than for militia and town officers." Passed April 22, 1875; three-fifths being present.

CHAP. 139. An Act in relation to the powers and jurisdiction of the superior court of Buffalo, and of the judges thereof. Passed April 22, 1875.

CHAP. 140. An Act to provide for a better system of records of the inmates of poor-houses and alms-houses. Passed April 22, 1875.

CHAP. 141. An Act to regulate the fare upon the Fonda and Fultonville horse railroad. Passed April 22, 1875

CHAP. 142. An Act to amend chapter four hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Hamilton, in the county of Madison, and to repeal its present charter." Passed April 22, 1875; three-fifths being present.

CHAP. 143. An Act in relation to the census or enumeration of the inhabitants of the State. Passed April 22, 1875; three-fifths being present.

CHAP. 144. An Act to amend chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, entitled "An act to revise and *charter of Long Island City. Passed April 22, 1875; three-fifths being present.

CHAP. 145. An Act to fix the salaries of certain State officers. Passed April 22, 1875; three-fifths being present.

CHAP. 146. An Act in relation to the erection of the court-house in the third judicial district of the city of New York. Passed April 22, 1875; three-fifths being present.

CHAP. 147. An Act to amend "An act to provide for the care of the lands and buildings known as Washington's Head-quarters in the city of Newburgh, and the property connected therewith," passed May eleven, eighteen hundred and seventy-four; chapter four hundred and twenty-six. Passed April 23, 1875; three-fifths being present.

CHAP. 148. An Act to amend chapter six hundred and seventy-one of the laws of eighteen hundred and fifty-seven, entitled "An act to establish regulations for the port of New York." Passed April 23, 1875; three-fifths being present.

CHAP. 149. An Act to confirm the election of village trustees in certain cases, and to provide for determining by lot, their respective terms of office. Passed April 23, 1875 three-fifths being present. (Temporary.)

- CHAP. 150.** An Act to amend chapter six hundred and nineteen of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Staten Island and New Jersey Suspension Bridge and Railroad Company, for the purpose of maintaining and constructing suspension bridges, appurtenances and approaches to the same over the Kill von Kull, at a point or points between the village of New Brighton, Richmond county, and a point or points at or near Constables' Point, in the State of New Jersey, and at a point or points over Arthur kill or Staten Island sound, between the town of Westfield, Richmond county, and Middlesex county in the State of New Jersey, and, also, for the purpose of constructing and maintaining a railroad over and across said bridges and to and through the center of Staten Island, Richmond county, to and from the points above-named." Passed April 24, 1875; three-fifths being present.
- CHAP. 151.** An Act authorizing the common council of the city of Buffalo to grade and pave Forest avenue in said city and to contract with Isaac Holloway for such work. Passed April 24, 1875; three-fifths being present.
- CHAP. 152.** An Act to provide for the construction of an armory and rifle range at Sing Sing, in the county of Westchester. Passed April 24, 1875, by a two-third vote.
- CHAP. 153.** An Act relating to stock of the Delhi and Middletown Railroad Company, owned by the town of Andes, Delaware county. Passed April 24, 1875; three-fifths being present.
- CHAP. 154.** An Act for the preservation of fish in the waters of the Genesee river, its branches or tributaries, in the county of Allegany. Passed April 24, 1875; three-fifths being present.
- CHAP. 155.** An Act to amend the charter of the city of Rochester by extending a part of the eastern boundary of said city from the west line of the Culver road, so called, to the east line thereof. Passed April 24, 1875; three-fifths being present.
- CHAP. 156.** An Act to amend chapter two hundred and ninety of laws of eighteen hundred and seventy, entitled "An act to incorporate the village of Oneonta, Otsego county, New York," passed April twenty, eighteen hundred and seventy. Passed April 24, 1875; three-fifths being present.
- CHAP. 157.** An Act to authorize the village of Glens Falls to borrow money, and issue bonds for the purpose of increasing its supply of water and extending its water-works. Passed April 24, 1875; three-fifths being present.
- CHAP. 158.** An Act to amend chapter eight hundred and thirty-six of the laws of eighteen hundred and seventy-two, entitled "An act to regulate places of public amusement in the city of New York." Passed April 24, 1875; three-fifths being present.
- CHAP. 159.** An Act to amend chapter two hundred and forty-eight of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the formation, establishing and maintaining of driving park and park associations." Passed April 24, 1875; three-fifths being present.
- CHAP. 160.** An Act to authorize the city of Utica to provide a building for fire department purposes, and borrow and disburse money to pay for the same. Passed April 24, 1875; three-fifths being present.
- CHAP. 161.** An Act to repeal chapter four hundred and nineteen of the laws of eighteen hundred and seventy-four, entitled "An act to enable the town of Sardinia, Erie county, to raise money to build a town hall." Passed April 24, 1875; three-fifths being present.
- CHAP. 162.** An Act to reorganize the Thomas Asylum for Orphan and Destitute Indian Children, on the Cattaraugus reservation, and to provide for its management and maintenance. Passed April 24, 1875; three-fifths being present.
- CHAP. 163.** An Act to release the interest and title of the People of the State of New York in and to certain real estate in the city of New York, to Walter Bauendahl and Leonard J. Stiasny. Passed April 24, 1875, by a two-third vote.
- CHAP. 164.** An Act for the relief of the grandchildren of Samuel F. Pratt, late of the city of Buffalo, deceased.
- CHAP. 165.** An Act to amend an act entitled "An act to incorporate the village of New Berlin, in Chenango county," passed April twenty-eighth, eighteen hundred and seventy. Passed April 24, 1875; three-fifths being present.

CHAP. 166. An Act to amend chapter four hundred and seventy-six of the laws of eighteen hundred and fifty-nine, entitled "An act to supply vacancies in the office of justice of the peace of the several towns of this State." Passed April 24, 1875; three-fifths being present.

CHAP. 167. An Act in relation to the general terms of the Supreme Court in the third judicial department. Passed April 24, 1875; three-fifths being present.

CHAP. 168. An Act to authorize the religious society in the city of New York, known as the Temple Beth-El, to buy and hold land for cemetery purposes. Passed April 24, 1875.

CHAP. 169. An Act to amend section one, section four, and section twenty-one, of chapter thirty-four of the laws of eighteen hundred and fifty-eight, entitled "An act to make school district number nine, in the town of Pomfret, a union free school district. Passed April 24, 1875; three-fifths being present.

CHAP. 170. An Act to amend section nine of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of Life and Health Insurance Companies, and in relation to agencies of such companies." Passed April 24, 1875.

CHAP. 171. An Act to authorize the trustees of the village of Salem, Washington county, New York, to raise by tax upon the village a sum of money, for the purpose of procuring a steam fire engine and apparatus, and digging fire wells for the fire department in said village. Passed April 24, 1875; three-fifths being present.

CHAP. 172. An Act to authorize the lighting of public streets and avenues in the town of Fishkill, county of Dutchess. Passed April 24, 1875; three-fifths being present.

CHAP. 173. An act to provide for the better care of pauper and destitute children. Passed April 24, 1875; three-fifths being present.

CHAP. 174. An Act to authorize municipal corporations holding the first mortgage bonds of the Rochester and State Line Railway Company to exchange the same for the second mortgage bonds of said company. Passed April 24, 1875; three-fifths being present.

CHAP. 175. An Act to regulate the sale of baled hay and straw in the State of New York. Passed April 26, 1875.

CHAP. 176. An Act relative to the incorporation of musical colleges, schools and academies. Passed April 27, 1875.

CHAP. 177. An act to amend an act entitled "An act to amend, revise and consolidate the laws in relation to the village of Seneca Falls, in the county of Seneca," passed April 20, 1874. Passed April 28, 1875; three-fifths being present.

CHAP. 178. An Act in regard to sewerage and other improvements in Long Island City. Passed April 28, 1875; three-fifths being present.

CHAP. 179. An Act authorizing the city of Kingston to issue bonds in order to create a fund for the purpose of completing and furnishing the city hall in said city, and of paying for and improving the city hall lot. Passed April 28, 1875; three-fifths being present.

CHAP. 180. An Act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties. Passed April 29, 1875; three-fifths being present.

CHAP. 181. An Act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof. Passed April 29, 1875; three-fifths being present.

CHAP. 182. An Act to authorize the trustees of the village of Cooperstown to erect a building for the use of the fire department, trustees and other officers of said village; to purchase real estate on which to erect such building, and to borrow money for the purpose of purchasing such real estate and erecting such building. Passed April 29, 1875; three-fifths being present.

CHAP. 183. An Act further to amend chapter seven hundred and twenty-one of the laws of eighteen hundred and seventy-one, entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish." Passed April 29, 1875; three-fifths being present.

CHAP. 184. An Act to amend an act entitled "An act to amend chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled, an act to amend an act, entitled 'An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county.'" Passed April 29, 1875; three-fifths being present.

CHAP. 185. An Act to amend chapter five hundred and ninety-two of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Merchants' Loan Company."

CHAP. 186. An Act for the protection of fish in Hoffman pond, in Claverack, Columbia county, also in Round Lake, Saratoga county. Passed April 29, 1875; three-fifths being present.

CHAP. 187. An Act to incorporate the Hornellsville fire department. Passed April 29, 1875.

CHAP. 188. An Act to authorize the New York & Hudson Steamboat Company to mortgage its property.

CHAP. 189. An Act to authorize the president and trustees of the village of West Troy to issue village bonds for the purpose of providing water for public use in said village, and to provide for the payment of the same and the interest thereon. Passed April 29, 1875, three-fifths being present.

CHAP. 190. An Act to amend the charter of the Arctic Fire Insurance Company, in the city of New York, and to correct an act amending said charter, passed February twenty-six, eighteen hundred and seventy-three.

CHAP. 191. An Act to amend chapter seven hundred and ninety of the laws of eighteen hundred and seventy-two, entitled "An act to establish a special road district and appropriate the highway taxes on the non-residents lands therein for the constructing of a road from Blood's hotel to Tupper's lake, in Franklin county." Passed April 29, 1875; three-fifths being present.

CHAP. 192. An Act to legalize and confirm the official acts of Milton J. Baker, as coroner of the county of Delaware. Passed April 29, 1875; three-fifths being present.

CHAP. 193. An Act further to amend chapter three hundred and forty-six of the laws of eighteen hundred and sixty-three, entitled "An act empowering railroad companies to employ police force." Passed April 29, 1875.

CHAP. 194. An Act to legalize the acts of James A. Wright, a justice of the peace, in and for the county of Cayuga. Passed April 29, 1875; three-fifths being present.

CHAP. 195. An Act to authorize the railroad commissioners of the town of Afton, county of Chenango, to pay certain moneys to the supervisor of said town. Passed April 29, 1875; three-fifths being present.

CHAP. 196. An Act to authorize overseers of highways in the several road districts of this State to cause the removal of fences along public highways for the purpose of preventing the drifting of snow into such highways. Passed April 29, 1875; three-fifths being present.

CHAP. 197. An Act to amend chapter three hundred and forty-five of the laws of eighteen hundred and seventy-four, entitled "An act in regard to publishing the account of incorporated villages in this State." Passed April 29, 1875; three-fifths being present.

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- CHAP. 198.** An Act to authorize the town of Newfane, in the county of Niagara, to raise money to build a town house. Passed April 29, 1875; three-fifths being present.
- CHAP. 199.** An Act relating to the construction of sidewalks upon Ellicott avenue in the village of Batavia. Passed April 29, 1875; three-fifths being present.
- CHAP. 200.** An Act to authorize the town of Kinderhook to take a legacy under the will of Edward G. Miner, deceased. Passed April 29, 1875; three-fifths being present.
- CHAP. 201.** An Act to prevent the taking of fish from Summer Hill lake, its inlet or outlet in the town of Summer Hill, in the county of Cayuga. Passed April 29, 1875; three-fifths being present.
- CHAP. 202.** An Act to legalize and confirm the vote of the electors of the town of Salamanca, Cattaraugus county, at the annual town meeting, held on the twenty-fourth day of February, eighteen hundred and seventy-four, in relation to building a fence around the burying ground in the village of Salamanca, and to levy and collect a tax on said town to pay the expenses thereof. Passed April 29, 1875; three-fifths being present.
- CHAP. 203.** An Act to amend chapter seven hundred and seventy-three of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the charter of the Brooklyn Life Insurance Company."
- CHAP. 204.** An Act to amend chapter seven hundred and fifty-eight of the laws of eighteen hundred and sixty-five, entitled "An act to authorize the towns of Otsego, Hartwick and Middlefield, in the county of Otsego, to issue bonds and subscribe and take for said towns capital stock in the Cooperstown and Susquehanna Valley Railroad Company." Passed April 29, 1875; three-fifths being present.
- CHAP. 205.** An Act for the better suppression of vice and of obscene literature. Passed April 29, 1875; three-fifths being present.
- CHAP. 206.** An Act to amend chapter four hundred and fifty-two of the laws of eighteen hundred and seventy-three, entitled "An act to amend section one of chapter seven hundred and sixty of the laws of eighteen hundred and seventy in reference to acquiring title to real estate for burial purposes." Passed April 29, 1875; three-fifths being present.
- CHAP. 207.** An Act to authorize the city of Troy to refund a portion of its bonded debt. Passed April 29, 1875; three-fifths being present.
- CHAP. 208.** An Act further to amend chapter four hundred and sixty-six of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of fire insurance companies." Passed April 29, 1875.
- CHAP. 209.** An Act supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies." Passed April 29, 1875.
- CHAP. 210.** An Act to amend chapter two hundred and fifty-two of the laws of eighteen hundred and seventy-four, entitled "An act to provide for supplying the village of Owego, in the county of Tioga, with water." Passed April 29, 1875; three-fifths being present.
- CHAP. 211.** An Act to provide for the election of a police constable in the village of McGrawville, Cortland county. Passed April 29, 1875; three-fifths being present.
- CHAP. 212.** An Act to amend chapter two hundred and sixty-four of the laws of eighteen hundred and fifty-one, entitled "An act to amend an act entitled 'An act to incorporate the village of Bath, in the county of Steuben.'" Passed April 29, 1875; three-fifths being present.
- CHAP. 213.** An Act relative to the care and education of deaf-mutes. Passed April 29, 1875; three-fifths being present.
- CHAP. 214.** An Act to amend an act entitled "An act to incorporate the Elmira Park Association," passed April thirteen, eighteen hundred and seventy-one, and to repeal chapter three hundred and twenty-nine of the laws of eighteen hundred and seventy-two.

CHAP. 215. An Act to prevent the mutilation of shade or ornamental trees. Passed April 29, 1875; three-fifths being present.

CHAP. 216. An Act further to amend chapter three hundred and eighty-five of the laws of eighteen hundred and sixty-two, entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," and the several acts amendatory thereof. Passed April 29, 1875; three-fifths being present.

CHAP. 217. An Act relative to "The Farmers' Loan and Trust Company."

CHAP. 218. An Act to further amend chapter four hundred and forty-eight of the laws of eighteen hundred and sixty-three, entitled "An act to incorporate 'The Society for the Protection of Destitute Roman Catholic Children in the city of New York.'" Passed April 30, 1875; three-fifths being present.

CHAP. 219. An Act to extend the time for the exercise and discharge of the official duties and for the completion of the work of the commissioners of streets, roads, avenues and parks in Long Island City. Passed April 30, 1875; three-fifths being present.

CHAP. 220. An Act to extend the time for the collection of taxes in the county of Richmond. Passed April 30, 1875; three-fifths being present.

CHAP. 221. An Act to provide for the aid and support of the poor in the counties of Erie, Kings and New York. Passed April 30, 1875; three-fifths being present.

CHAP. 222. An Act in relation to the keeping open of certain public offices in the counties of Queens and Richmond. Passed April 30, 1875; three-fifths being present.

CHAP. 223. An Act to amend chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code." Passed April 30, 1875; three-fifths being present, and two-thirds of the members in each House present concurring therein.*

CHAP. 224. An Act to authorize the city of Elmira to borrow money and issue bonds of the city therefor, in payment of the floating debt of said city. Passed April 30, 1875; three-fifths being present.

CHAP. 225. An Act supplemental to chapter five hundred and fifty of the laws of eighteen hundred and seventy-three, entitled "An act to extend the time for the completion of the Boston, Hartford and Erie Railroad, by the New York and New England Railroad Company." Passed April 30, 1875.

CHAP. 226. An Act in relation to the St. Regis tribe of Indians, in the county of Franklin. Passed April 30, 1875.

CHAP. 227. An Act creating the office of Inspector of Public Works. Passed April 30, 1875; three-fifths being present.

CHAP. 228. An Act to authorize the establishment of a female department to the Western House of Refuge for Juvenile Delinquents. Passed May 1, 1875; three-fifths being present.

CHAP. 229. An Act supplementary to chapter seven hundred and eighty of the laws of eighteen hundred and sixty-seven, entitled "An act to supply the city of Binghamton with pure and wholesome water," and the acts amendatory thereof. Passed May 1, 1875; three-fifths being present.

CHAP. 230. An Act to amend section one, chapter thirty-three of the laws of eighteen hundred and seventy-four, entitled "An act to amend section one of chapter three hundred and eighty-one of laws of eighteen hundred and seventy-three, entitled 'An act for the preservation of fish in waters lying within or bordering upon the counties of Schuyler, Steuben, Chemung, Seneca, Yates and Ontario.'" Passed May 1, 1875; three-fifths being present.

CHAP. 231. An Act to legalize the official acts of the trustees of the village of Canton during the years eighteen hundred and seventy-four and eighteen hundred and seventy-five in selling the old engine house property, in purchasing another lot, and erecting a new engine house thereon; in making and issuing the certificates of indebtedness of said village, and in raising money thereon to pay for said lot and building, and to legalize the vote and action of the electors of said village in that behalf. Passed May 1, 1875; three-fifths being present.

CHAP. 232. An Act to amend chapter four hundred and ninety-seven of the laws of eighteen hundred and sixty-nine, entitled "An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Flushing, Queens county," and supplementary thereto. Passed May 1, 1875; three-fifths being present.

CHAP. 233. An Act to amend chapter four hundred and eighty-nine of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,' " passed April seventeenth, eighteen hundred and fifty-four, and as amended by chapter five hundred and fifty-eight of the laws of eighteen hundred and sixty-nine, entitled "An act for the better security of mechanics and others erecting buildings in either of the counties of this State, except the counties of Erie, Kings, Queens, New York and Onondaga." Passed May 1, 1875; three-fifths being present.

CHAP. 234. An Act to amend an act entitled "An act to incorporate the city of Cohoes," passed May nineteenth, eighteen hundred and sixty-nine, and the acts amending the same. Passed May 1, 1875; three-fifths being present.

CHAP. 235. An Act for the relief of the New York and Yonkers Fire Insurance Company.

CHAP. 236. An Act to prohibit the throwing of cinders, ashes, refuse or garbage, into the waters of Long Island sound, and into the bays and harbors opening into the same. Passed May 1, 1875; three-fifths being present.

CHAP. 237. An Act to amend chapter two hundred and fifty-seven of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the laws in relation to the village of Ithaca in the county of Tompkins." Passed May 1, 1875; three-fifths being present.

CHAP. 238. An Act to authorize the trustees of the village of Norwich, Chenango county, to buy real estate and erect a building thereon for the use of the fire department of said village, and for a village hall. Passed May 1, 1875; three-fifths being present.

CHAP. 239. An Act to legalize the official acts of John E. Ashe, as notary public. Passed May 1, 1875; three-fifths being present.

CHAP. 240. An Act to confirm the title of certain lands situate in the city of Newburgh to the grantees and heirs at law of Francis Wilson (alien), late of said city, deceased. Passed May 1, 1875, by a two-third vote.

CHAP. 241. An Act authorizing the payment of certain employees of the Senate and Assembly for services. Passed May 1, 1875; three-fifths being present.

CHAP. 242. An Act to amend an act, entitled "An act for the incorporation of villages," passed April twenty-fifth, eighteen hundred and seventy. Passed May 1, 1875; three-fifths being present.

CHAP. 243. An act authorizing the adjudication and settlement of certain claims arising out of the defalcations of the late treasurer of Columbia county with this State and the said county. Passed May 3, 1875, by a two-third vote.

CHAP. 244. An Act to authorize the religious society in the city of New York, known as the Temple Beth-El, to buy, hold and dispose of land for cemetery purposes. Passed May 4, 1875.

CHAP. 245. An act to amend chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Portchester." Passed May 4, 1875; three-fifths being present.

CHAP. 246. An Act to amend chapter ninety-seven of the laws of eighteen hundred and seventy-five, entitled "Act act providing for the forfeiture of property in certain cases." Passed May 4, 1875; three-fifths being present.

CHAP. 247. An Act in relation to the election of village officers in Geneva, Ontario county. Passed May 5, 1875; three-fifths being present.

CHAP. 248. An Act in relation to coroners' fees and post-mortem examinations in Erie county. Passed May 6, 1875; three-fifths being present.

CHAP. 249. An Act to regulate the use of slips, wharves and piers in the city of New York. Passed May 6, 1875; three-fifths being present.

CHAP. 250. An Act to extend the time for the organization of the Central Trust Company, of New York.

CHAP. 251. An Act for the support and maintenance of prisoners confined upon civil process. Passed May 6, 1875; three-fifths being present.

CHAP. 252. An Act in relation to the improvement of the Croton Aqueduct in the city of New York. Passed May 6, 1875; three-fifths being present.

CHAP. 253. An Act to amend an act entitled "An act revising and amending an act entitled 'An act to incorporate the village of Ulster,'" passed April tenth, eighteen hundred and fifty-five, as amended by chapter eight hundred and forty-seven of the laws of eighteen hundred and sixty-six, passed April twenty-eight, eighteen hundred and sixty-six. Passed May 6, 1875; three-fifths being present.

CHAP. 254. An Act to release the right, title and interest of the People of the State of New York in and to certain real estate, of which James Gillen died seized, to Elizabeth Ryall, late widow of the said James Gillen, deceased, and now wife of Christopher Ryall. Passed May 6, 1875, by a two-third vote.

CHAP. 255. An Act to amend an act entitled "An act in relation to orphan asylum societies at Brooklyn," passed March seventh, eighteen hundred and forty-eight. Passed May 7, 1875; three-fifths being present.

CHAP. 256. An Act relating to the consolidation of certain railroad companies. Passed May 7, 1875; three-fifths being present.

CHAP. 257. An Act to repeal sections six, eight, nine, ten, eleven, twelve, thirteen and fifteen, and the preamble of chapter eight hundred and sixty-four of the laws of eighteen hundred and sixty-eight, entitled "An act to authorize the drainage of marshlands," passed June ninth, eighteen hundred and sixty-eight; also chapter two hundred and eighty-two of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize the drainage of marshlands,'" passed April twenty-second, eighteen hundred and sixty-nine, and for the repayment to said Marshland Company of moneys paid by them into the treasury of the State, in pursuance of said chapter eight hundred and sixty-four of the laws of eighteen hundred and sixty-eight. Passed May 8, 1875, by a two-third vote.

CHAP. 258. An Act to amend the act entitled "An act to provide for the further supply of the city of Brooklyn with water, and for the payment of the expense thereof," passed February eighteen, eighteen hundred and seventy-one. Passed May 8, 1875; three-fifths being present.

CHAP. 259. An Act to increase the efficiency of the Court of General Sessions of the Peace in the city and county of New York. Passed May 8, 1875; three-fifths being present.

CHAP. 260. An Act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the Canals for the fiscal year, commencing on the first day of October, one thousand eight hundred and seventy-five. Passed May 10, 1875; three-fifths being present.

CHAP. 261. An Act to incorporate the Twelfth Ward Savings Bank of the city of New York.

CHAP. 262. An Act to confirm and levy certain assessments for street improvements in the city of Albany, and to regulate the collection thereof. Passed May 11, 1875; three-fifths being present.

CHAP. 263. An Act to authorize a tax of one-fifth of a mill per dollar of valuation for the payment of the awards of the Canal Appraisers of the Canal Board and of the Board of Canal Commissioners, and to pay certificates of indebtedness on interest now outstanding. Passed May 12, 1875; three-fifths being present. Without the approval of the Governor, pursuant to provision of section nine of article four of the Constitution.

CHAP. 264. An Act in relation to the Hudson River State Hospital for the Insane, at Poughkeepsie; the State Homœopathic Asylum for the Insane, at Middletown; the Buffalo State Asylum for the Insane. Passed May 12, 1875; three-fifths being present.

CHAP. 265. An Act to amend an act entitled "An act to widen and improve a portion of Washington avenue, in the city of Brooklyn, and extend the same into the town of Flatbush," passed April twenty-third, eighteen hundred and seventy. Passed May 12, 1875; three-fifths being present.

CHAP. 266. An Act to authorize the city of Elmira to pay claims for damages to certain lands caused by the erection of an elevated bridge upon Washington avenue in said city. Passed May 12, 1875; three-fifths being present.

CHAP. 267. An Act for the incorporation of societies or clubs for certain lawful purposes. Passed May 12, 1875.

CHAP. 268. An Act to incorporate the Western Railroad Company.

CHAP. 269. An Act in relation to the Croton Aqueduct of the city of New York. Passed May 12, 1875; three-fifths being present.

CHAP. 270. An Act to amend chapter three hundred and ninety-nine of the laws of eighteen hundred and seventy-four, entitled "An act to authorize a tax of seven-eighths of a mill per dollar of valuation of the year one thousand eight hundred and seventy-four, for the construction of new work upon and extraordinary repairs of the canals of this State," passed May nine, eighteen hundred and seventy-four. Passed May 12, 1875; three-fifths being present.

CHAP. 271. An Act to amend chapter one hundred and ninety-two of the laws of eighteen hundred and thirty-six, entitled "An act to incorporate the Bushwick and Newton Bridge and Turnpike Road Company," passed April twenty-six, eighteen hundred and thirty-six. Passed May 12, 1875.

CHAP. 272. An Act for the preservation of fish in Salmon river and Deer creek, in Oswego county. Passed May 12, 1875; three-fifths being present.

CHAP. 273. An Act to amend an act entitled "An act to amend and consolidate the several acts relating to the village of Ilion," passed March eighth, eighteen hundred and sixty-five. Passed May 12, 1875; three-fifths being present.

CHAP. 274. An Act to confer additional powers on the common council of the city of Cohoes. Passed May 12, 1875; three-fifths being present.

CHAP. 275. An Act to authorize the increase of the capital stock of the Staten Island Bridge Company.

- CHAP. 276.** An Act to amend section one of chapter six hundred and ninety-three of the laws of eighteen hundred and seventy-three, so as to include the waters of Findley's lake in the county of Chautauqua. Passed May 12, 1875; three-fifths being present.
- CHAP. 277.** An Act to amend chapter seven hundred and twenty-one of the laws of eighteen hundred and seventy-one, entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish, so as to exempt Chautauqua lake from certain provisions of said act." Passed May 12, 1875; three-fifths being present.
- CHAP. 278.** An Act to provide for a public park in the city of Lockport. Passed May 12, 1875; three-fifths being present.
- CHAP. 279.** An Act to authorize the city of Schenectady to purchase additional fire-engines and to borrow money therefor. Passed May 12, 1875; three-fifths being present.
- CHAP. 280.** An Act to legalize the resolution adopted at the last annual town meeting in the town of Olean, providing an appropriation by tax for the construction of a vault in the burial ground of that town. Passed May 12, 1875; three-fifths being present.
- CHAP. 281.** An Act to give effect to a deed of assignment made by the Washington Iron Works to James Bigler.
- CHAP. 282.** An Act to legalize the action of the village of Whitehall in acquiring title to certain lands, and erecting a building thereon, and authorizing the issuing of bonds of said village for the payment of the debt incurred in such erection. Passed May 12, 1875; three-fifths being present.
- CHAP. 283.** An Act to authorize the town auditors of the towns of Southfield and Middletown, Richmond county, to audit certain claims. Passed May 12, 1875; three-fifths being present.
- CHAP. 284.** An Act further to amend chapter two hundred and twenty-nine, laws of eighteen hundred and seventy, entitled "An act to organize and establish a police for the city of Schenectady." Passed May 12, 1875; three-fifths being present.
- CHAP. 285.** An Act to release the interest of the People of the State of New York in the real estate of which Patrick Lynch, late of the city of Rochester, died seized. Passed May 12, 1875, by a two-third vote.
- CHAP. 286.** An Act to amend chapter four hundred and ninety of the laws of eighteen hundred and seventy-four, entitled "An act to amend chapter five hundred and four of the laws of eighteen hundred and seventy-three, entitled 'An act in relation to a certain highway in the county of Hamilton appropriating certain non-resident highway moneys thereto, and repealing acts heretofore passed in relation thereto.'" Passed May 12, 1875, three-fifths being present.
- CHAP. 287.** An Act to release to Josephine Robright the real estate of which Frederick Robright died seized. Passed May 12, 1875, by a two-third vote.
- CHAP. 288.** An Act releasing the interest of the State of New York in certain lands, of which Robert A. Lamont died seized, to Angeline Post, Elizabeth Huber, Schuyler Lamont and Charles Lamont, heirs-at-law of said Robert A. Lamont, deceased. Passed May 12, 1875; by a two-third vote.
- CHAP. 289.** An Act to authorize the president and trustees of the village of West Troy to raise, by tax upon the taxable property within said village, such sum or sums as are necessary to meet and pay the outstanding indebtedness of said village. Passed May 12, 1875, three-fifths being present.
- CHAP. 290.** An Act to change the name of the village of Potsdam Junction, in the town of Potsdam, in the county of St. Lawrence, to Norwood. Passed May 12, 1875.
- CHAP. 291.** An Act to amend an act entitled "An act to amend and consolidate the several acts relating to the village of Hornellsville," passed April ninth, eighteen hundred and sixty-seven, and the several acts amendatory thereof. Passed May 12, 1875; three-fifths being present.
- CHAP. 292.** An Act to legalize and confirm the proceedings of the incorporation of the village of Canisteo, in the county of Steuben, and the election of the officers therein. Passed May 12, 1875; three-fifths being present.
- CHAP. 293.** An Act to legalize the acts of Charles D. Barrows as notary public. Passed May 12, 1875; three-fifths being present.

- CHAP. 294.** An Act to confirm the title of the Associate Congregation of Bovina to its real and personal estate.
- CHAP. 295.** An Act to amend chapter three hundred and sixty-one of the laws of eighteen hundred and sixty-three, entitled "An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania." Passed May 13, 1875.
- CHAP. 296.** An Act to authorize the settlement of the claims of the city of New York against the Eighth National Bank. Passed May 13, 1875; three-fifths being present.
- CHAP. 297.** An Act to enable the city of Yonkers to consolidate and equalize the time of payment of its bonded debt. Passed May 13, 1875; three-fifths being present.
- CHAP. 298.** An Act to enable the city of New York to finally settle and pay that part of the bonded debt of the late town of Yonkers apportioned to the late town of Kingsbridge. Passed May 13, 1875; three-fifths being present.
- CHAP. 299.** An Act for the relief of Wheeler H. Bristol.
- CHAP. 300.** An Act providing that the bridge in the course of construction over the East river, between the cities of New York and Brooklyn, by the New York bridge company, shall be a public work of the cities of New York and Brooklyn, and for the dissolution of said company, and the completion and management of the said bridge by the said cities. Passed May 14, 1875; three-fifths being present.
- CHAP. 301.** An Act for the relief of Ferdinand S. Hahn.
- CHAP. 302.** An Act to authorize the commissioners of highways of the town of Saratoga Springs to build a sidewalk along Union avenue, in said town. Passed May 14, 1875; three-fifths being present.
- CHAP. 303.** An Act to protect the owners of bottles, boxes, baskets, casks and siphons, used in the sale of soda waters, mineral waters, porter, ale, cider, ginger ale, small beer, lager beer, white beer, or other similar beverages. Passed May 14, 1875; three fifths being present.
- CHAP. 304.** An Act entitled an act to enable the town of Queensbury, in the county of Warren, to use certain moneys now in the hands of the supervisor of said town, for the construction of an iron bridge across the Hudson river, at Glens Falls, in said town. Passed May 14, 1875; three-fifths being present.
- CHAP. 305.** An Act to amend title two, chapter ten, part three of the Revised Statutes, entitled "Of security for the payment of costs." Passed May 14, 1875.
- CHAP. 306.** An Act to prevent fishing within three years in the waters of Lawson's and McCulloch's lake in the county of Albany. Passed May 14, 1875; three-fifths being present.
- CHAP. 307.** An Act to amend an act entitled "An act to incorporate the Evangelical Lutheran Synod of the State of New York," passed April twenty-nine, eighteen hundred and sixty-eight.
- CHAP. 308.** An Act to amend chapter six hundred and sixty-one of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the support and care of State paupers." Passed May 14, 1875; three-fifths being present.
- CHAP. 309.** An Act to legalize the acts of Ensworth D. Babcock as notary public. Passed May 14, 1875.
- CHAP. 310.** An Act to release to George Wheeler the real estate of which Elizabeth Wheeler died seized. Passed May 14, 1875, by a two-third vote.
- CHAP. 311.** An Act to amend an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eighth, eighteen hundred and seventy. Passed May 14, 1875; three-fifths being present.
- CHAP. 312.** An Act to amend chapter five hundred and forty-eight of the laws of eighteen hundred and sixty-nine, entitled "An act to authorize the construction and maintaining of a free bridge over the Chemung river, in the town of Chemung, in the county of Chemung." Passed May 14, 1875; three-fifths being present.

- CHAP. 313.** An Act to authorize the common council of the city of Buffalo to order to be assessed and to cause to be raised by local assessment, the amount of the expenses incurred in rebuilding the westerly end of the sewer in Breckenridge street in said city, upon and from the lands benefited thereby. Passed May 14, 1875; three-fifths being present.
- CHAP. 314.** An Act authorizing the improvement of Delaware street in the city of Buffalo. Passed May 14, 1875; three-fifths being present.
- CHAP. 315.** An Act to authorize the board of supervisors of Kings county to construct a suitable building for a work-house at the penitentiary, and to provide for the payment thereof. Passed May 14, 1875; three-fifths being present.
- CHAP. 316.** An Act supplementary to chapter fifty-five of the laws of eighteen hundred and sixty-one, entitled "An act to provide for the erection of a town hall in the town of Flushing, in the county of Queens," passed March nineteenth, eighteen hundred and sixty-one; and to provide for the future custody of said hall. Passed May 14, 1875; three-fifths being present.
- CHAP. 317.** An Act relative to the International Trust Company of New York.
- CHAP. 318.** An Act to amend and supplementary to chapter three hundred and sixty-two of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Mutual Trust Institution of New York."
- CHAP. 319.** An Act to amend chapter two hundred and sixty-five of the laws of eighteen hundred and forty-eight, entitled "An act to provide for the incorporation and regulation of telegraph companies," passed April twelfth, eighteen hundred and forty-eight. Passed May 14, 1875.
- CHAP. 320.** An Act to legalize the action of the electors of the town of Fort Covington, in the county of Franklin. Passed May 14, 1875; three-fifths being present.
- CHAP. 321.** An Act for the preservation of fish in the waters of Oak Orchard creek in the counties of Genesee and Orleans, and all streams, lakes, ponds or other waters in the county of Orleans. Passed May 14, 1875; three-fifths being present.
- CHAP. 322.** An Act relating to free instruction in drawing. Passed May 14, 1875; three-fifths being present. •
- CHAP. 323.** An Act to extend the time for the completion of the act to authorize the construction of a railroad from, at, or near Bath ferry, in the town of North Greenbush, to Douw's Point, in the town of East Greenbush, in the county of Rensselaer.
- CHAP. 324.** An Act further to amend chapter six hundred and ninety-two of the laws of eighteen hundred and sixty-six, entitled "An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes." Passed May 14, 1875; three-fifths being present.
- CHAP. 325.** An Act to amend chapter twenty-six of the laws of eighteen hundred and seventy-four, entitled "An act authorizing the formation of corporations to secure camp grounds and other property connected therewith for the use of the Methodist Episcopal Church." Passed May 14, 1875.
- CHAP. 326.** An Act to further amend chapter five hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the city of Newburgh," also to amend chapter five hundred and fifty-one of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to incorporate the city of Newburgh.'" Passed May 14, 1875; three-fifths being present.
- CHAP. 327.** An Act to amend an act entitled "An act to amend and consolidate the charter of the village of Middletown," passed March thirty-one, one thousand eight hundred and sixty-six: passed February seventeenth, eighteen hundred and seventy-two. Passed May 14, 1875; three-fifths being present.

CHAP. 328. An Act to authorize the payment, in whole or in part, of the bonded indebtedness of any of the towns in this State created in aid of any railroad therein, and to prescribe the mode in which the people thereof shall determine the time and amount of such payment. Passed May 14, 1875 ; three-fifths being present.

CHAP. 329. An Act relating to the term of office of clerk of the Commission of Appeals. Passed May 14, 1875 ; three-fifths being present.

CHAP. 330. An Act to authorize the board of trustees of the village of Athens, in the county of Greene, to permit gas-pipes to be laid in the streets of said village. Passed May 14, 1875 ; three-fifths being present.

CHAP. 331. An Act to relieve premises of one person erroneously assessed and taxed in and with the premises of another. Passed May 14, 1875 ; three-fifths being present.

CHAP. 332. An Act to amend chapter six hundred and ten of laws of eighteen hundred and seventy-four, entitled "An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester." Passed May 14, 1875 ; three-fifths being present.

CHAP. 333. An Act to legalize the official acts of Milo S. Day, a justice of the peace of the town of Harford, Cortland county. Passed May 14, 1875 ; three-fifths being present.

CHAP. 334. An Act to amend section one hundred and eighteen of article eighth of chapter two, title four, part three of the Revised Statutes, in relation to the duties of justices of the peace in actions commenced before them in which they are shown to be material witnesses. Passed May 14, 1875 ; three-fifths being present.

CHAP. 335. An Act to provide for the payment of jurors in protracted trials. Passed May 14, 1875 ; three-fifths being present.

CHAP. 336. An Act to confirm the title of certain persons to real estate, questioned by reason of alienage of former owners. Passed May 14, 1875, by a two-third vote.

CHAP. 337. An Act to facilitate the distribution of the property and effects of the Eclectic Life Insurance Company.

CHAP. 338. An Act to amend an act entitled "An act for the relief of the surviving members of the first regiment of New York volunteers, who served in the war with Mexico." Passed May 15, 1875, by a two-third vote.

CHAP. 339. An Act to amend an act entitled "An act for the incorporation of villages," passed April twentieth, eighteen hundred and seventy. Passed May 15, 1875 ; three-fifths being present.

CHAP. 340. An Act to further amend chapter seven hundred and seventy-six of the laws of one thousand eight hundred and seventy, entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December seven, one thousand eight hundred and forty-seven, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village." Passed May 15, 1875 ; three-fifths being present.

CHAP. 341. An Act to amend chapter three hundred and ninety-five of the laws of eighteen hundred and seventy-three, entitled "An act to alter the system of repairing the highways." Passed May 15, 1875 ; three-fifths being present.

CHAP. 342. An Act to amend an act entitled "An act to amend the 'Act to combine into one act the several acts relating to the city of Albany,' passed April twelfth, eighteen hundred and forty-two, and the several acts amendatory thereof; and also to repeal the 'Act to establish a capital police district, and to provide for the government thereof,' passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, in so far as they relate to the city of Albany." Passed May 15, 1875; three-fifths being present.

CHAP. 343. An Act for the incorporation of library societies. Passed May 15, 1875.

CHAP. 344. An Act permitting fishing with gill nets for suckers, in Schuyler's lake. Passed May 18, 1875; three-fifths being present.

CHAP. 345. An Act to amend an act entitled "An act to create a board of public instruction in the city of Albany, to establish free schools therein, and amendatory of the several acts relating to the district schools in said city," passed April seven, eighteen hundred and sixty-six. Passed May 15, 1875; three-fifths being present.

CHAP. 346. An Act in relation to the Flushing High School in school district number five of the town of Flushing, Queens county. Passed May 15, 1875; three-fifths being present.

CHAP. 347. An Act to release to Maria Allen the right, title and interest of the People of the State of New York in and to certain real estate in the city of Brooklyn.

CHAP. 348. An Act to provide for the purchase of a site and the erection of a school-house in school district number three of the town of Flatbush, in the county of Kings. Passed May 15, 1875; three-fifths being present.

CHAP. 349. An Act providing for the appointment of marshals in the annexed district in the city and county of New York. Passed May 15, 1875; three-fifths being present.

CHAP. 350. An Act to confirm, reduce and levy a certain assessment for improving Morton street in the city of Albany. Passed May 15, 1875; three-fifths being present.

CHAP. 351. An Act to provide means for the establishment and equipment of the building erected on that portion of the Central park formerly known as Manhattan square, in the city of New York, under the provisions of chapter two hundred and ninety, laws of eighteen hundred and seventy-one, for the purposes of a museum of natural history. Passed May 15, 1875; three-fifths being present.

CHAP. 352. An Act to amend chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-two, entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto." Passed May 15, 1875; three-fifths being present.

CHAP. 353. An Act to amend chapter three hundred and twenty-four of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the Sisterhood of Grey Nuns in the State of New York.

CHAP. 354. An Act to amend chapter forty-seven of the laws of eighteen hundred and twenty-six, entitled "An act to amend an act entitled 'An act to provide for the incorporation of religious societies.'" Passed May 15, 1875.

CHAP. 355. An Act to incorporate "The Protectorate and Reformatory for Destitute Children from Oneida and adjacent counties." Passed May 15, 1875; three-fifths being present.

CHAP. 356. An Act for the relief of the Cypress Hills Cemetery.

CHAP. 357. An Act to release the title and interest of the People of the State of New York in and to certain real estate of which Henry Doyle, late of the city of Auburn in the State of New York, died seized, to Bridget Doyle, his wife. Passed May 15, 1875, by a two-third vote.

CHAP. 358. An Act for the relief of Catharine T. Wetmore and her children.

CHAP. 359. An Act in relation to the purchase by the United States of certain lands at West Point, and the ceding jurisdiction of this State over land to the United States.

- CHAP. 360.** An Act authorizing the city of Buffalo to appropriate the unexpended proceeds of certain bonds of said city, issued in pursuance of the authority contained in chapter two hundred and forty-two of the laws of eighteen hundred and seventy-two. Passed May 15, 1875; three-fifths being present.
- CHAP. 361.** An Act to amend the act entitled "An act to provide for supplying the city of Hudson with pure and wholesome water," passed May seventh, eighteen hundred and seventy-three. Passed May 15, 1875; three-fifths being present.
- CHAP. 362.** An Act legalizing certain proceedings of a town meeting, held in the town of Moriah, Essex county, on the first Tuesday of March, eighteen hundred and seventy-five. Passed May 15, 1875; three-fifths being present.
- CHAP. 363.** An Act to enlarge the board of education in Union Free School district number six, in the town of Northfield, in the county of Richmond, and to change the name of said district, and to authorize said board of education to sell and convey to the purchaser thereof the present school-house and site, and also to purchase a new site for a school-house in said district, and to erect thereupon a new school-house and to provide for the raising of money therefor. Passed May 15, 1875; three-fifths being present.
- CHAP. 364.** An Act authorizing the common council of the city of Poughkeepsie to sell and convey certain real estate owned by said city. Passed May 15, 1875; three-fifths being present.
- CHAP. 365.** An Act to extend the operation and effect of the act passed February seventeen, eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes." Passed May 15, 1875.
- CHAP. 366.** An Act to confer power on the Judges of the Superior Court of Buffalo to make orders in actions pending in the Supreme Court. Passed May 15, 1875.
- CHAP. 367.** An Act to extend the time for the collection of taxes in the city of Elmira. Passed May 15, 1875; three-fifths being present.
- CHAP. 368.** An Act to amend chapter seven hundred and ninety-eight of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the Young Men's Catholic Association of the city of Buffalo," passed April twenty-seven, eighteen hundred and seventy-one.
- CHAP. 369.** An Act authorizing the common council of the city of Buffalo to make reassessments to defray the expenses of certain local improvements in said city. Passed May 17, 1875; three-fifths being present.
- CHAP. 370.** An Act to amend and consolidate the several acts relating to the city of Elmira.
- CHAP. 371.** An Act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs. Passed May 17, 1875.
- CHAP. 372.** An Act to authorize the Regents of the University to establish examinations as to attainments in learning. Passed May 17, 1875.
- CHAP. 373.** An Act to provide for the support of government.
- CHAP. 374.** An Act to change the commissioners for the construction of a bridge across the Hudson river, at or near the mouth of North creek, in Warren county. Passed May 17, 1875; three-fifths being present.
- CHAP. 375.** An Act authorizing the city of Buffalo to raise money by issuing bonds for laying out, improving and embellishing the public park in said city and the approaches thereto, and providing for the payment of such bonds and the expenditure of such money. Passed May 17, 1875; three-fifths being present.
- CHAP. 376.** An Act to amend an act entitled "An act to authorize the selection and location of certain grounds for public parks in the city of Buffalo, and to provide for the maintenance and embellishment thereof." Passed May 17, 1875; three-fifths being present.

- CHAP. 377.** An Act to amend an act entitled "An act to authorize William Hilliker to establish and maintain a ferry across the Cayuga lake at Cayuga bridge," passed April twentieth, eighteen hundred and seventy-one. Passed May 17, 1875.
- CHAP. 378.** An Act to amend chapter five hundred and twenty-two of the laws of eighteen hundred and sixty, entitled "An act to prevent encroachments and obstructions in the harbor of New York, and to authorize their removal, and to correct the harbor commissioners' lines," passed April twenty-seventh, eighteen hundred and sixty. Passed May 17, 1875; three-fifths being present.
- CHAP. 379.** An Act to define and limit the liens of contractors and others, upon real estate in the city and county of New York, and to provide for the enforcement thereof. Passed May 17, 1875.
- CHAP. 380.** An Act to further amend chapter six hundred and seventy-four of the laws of eighteen hundred and seventy, entitled "An act to amend, consolidate and re-enact an act entitled 'An act to incorporate the village of Edgewater,' passed March twenty-second, eighteen hundred and sixty-six, and an act amending the same, passed April twenty-second, eighteen hundred and sixty-seven, and to extend the powers of the corporation," passed May fifth, eighteen hundred and seventy, and also the several acts amendatory thereof, passed June eight, eighteen hundred and seventy-two, June seven, eighteen hundred and seventy-three. Passed May 17, 1875; three-fifths being present.
- CHAP. 381.** An Act supplemental to an act entitled "An act to provide for the incorporation of religious societies," passed April fifth, one thousand eight hundred and thirteen, and of the several acts amendatory thereof. Passed May 17, 1875.
- CHAP. 382.** An Act for the preservation of fish in Chautauqua lake. Passed May 17, 1875; three-fifths being present.
- CHAP. 383.** An Act to amend an act to authorize the common council of the city of Binghamton to purchase land for a cemetery and a public park, in or outside of the city of Binghamton, and lay out the same, passed April sixth, eighteen hundred and seventy-four. Passed May 17, 1875; three-fifths being present.
- CHAP. 384.** An Act to regulate fishing in the waters known as Cooper's lake, in the town of Woodstock, Ulster county. Passed May 17, 1875; three-fifths being present.
- CHAP. 385.** An Act to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages." Passed May 17, 1875; three-fifths being present.
- CHAP. 386.** An Act to further amend the charter of the village of Delhi. Passed May 17, 1875; three-fifths being present.
- CHAP. 387.** An Act to extend the boundaries of the city of Utica, westerly. Passed May 18, 1875; three-fifths being present.
- CHAP. 388.** An Act to amend chapter fifty-one of the laws of eighteen hundred and seventy-one, entitled "An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein against loss by fire." Passed May 18, 1875; three-fifths being present.
- CHAP. 389.** An Act to amend the act and the title of an act entitled "An act to authorize the Bleecker Street and Fulton Ferry Railroad Company, of the city of New York, to extend their railroad tracks through certain streets and avenues in the city of New York," passed April eleven, eighteen hundred and seventy-three.
- CHAP. 390.** An Act in relation to the Merchants' Loan Company.
- CHAP. 391.** An Act to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter four hundred and eighty-one of the laws of eighteen hundred and seventy-four, may commence the transaction of business.
- CHAP. 392.** An Act for the better security of railroad employees for labor performed. Passed May 18, 1875; three-fifths being present.

- CHAP. 393.** An Act to amend chapter five hundred and eight of the laws of eighteen hundred and seventy-four, entitled "An act to authorize the construction of a railway from Vesey street through certain streets in the city of New York to the South Ferry. Passed May 19, 1875.
- CHAP. 394.** An Act to amend an act entitled "An act to incorporate the village of New Brighton," passed April twenty, eighteen hundred and sixty-six, and amended April twenty-two, eighteen hundred and sixty-seven; April twenty-seven, eighteen hundred and seventy-one; March twenty-seven, eighteen hundred and seventy-two; and May fourteen, eighteen hundred and seventy-three.
- CHAP. 395.** An Act to amend an act entitled "An act to incorporate the New York City Sunday School (church extension), and Missionary Society of the Methodist Episcopal Church," passed April fourteenth, eighteen hundred and sixty-six; amended March fourteen, eighteen hundred and seventy-one, again amended May thirteen, eighteen hundred and seventy-two.
- CHAP. 396.** An Act to legalize the execution of a certain mortgage by the Belmont Manufacturing Company, and the proceedings of foreclosure pending thereon.
- CHAP. 397.** An Act to carry into effect the command of section seven of article ten of the Constitution by providing for the removal of certain officers therein named, and for filling the vacancies created by such removal. Passed May 20, 1875; three-fifths being present.
- CHAP. 398.** An Act to amend an act entitled "An act to authorize William Beard and others to erect, construct, build and maintain sea-walls or break-water piers, docks, wharves, bulk-heads, piers and warehouses, and a basin for commercial use in front of their lands in the twelfth ward of the city of Brooklyn," passed April twenty-fourth, eighteen hundred and sixty-two, and also to amend an act bearing the same title, passed April thirtieth, eighteen hundred and sixty-six. Passed May 20, 1875; three-fifths being present.
- CHAP. 399.** An Act to extend the time for the collection of the assessments for the improvement of Fulton avenue in the town of New Lots, Kings county. Passed May 20, 1875; three-fifths being present.
- CHAP. 400.** An Act for the division of the town of Fishkill, in the county of Dutchess, and for the erection of a new town from the northern portion thereof, and for the apportionment of the real and personal property of said town and of the debts thereof. Passed May 20, 1875; three-fifths being present.
- CHAP. 401.** An Act releasing the interest of the State in certain lands of which Mary Ann Thompson died possessed to Christopher G. Mason. Passed May 20, 1875, by a two-third vote.
- CHAP. 402.** An Act providing for the election of bay constables in the town of East Hampton, in the county of Suffolk, and to define their duties. Passed May 20, 1875; three-fifths being present.
- CHAP. 403.** An Act supplementary to chapter three hundred and thirty-two of the laws of eighteen hundred and sixty-eight, passed April twenty-seven, eighteen hundred and sixty-eight, relating to the Hudson Highland Suspension Bridge Company, and the several acts amendatory thereof.
- CHAP. 404.** An Act to authorize appropriations for the poor adult blind in the city of New York, not provided for in public or private institutions. Passed May 21, 1875; three-fifths being present.
- CHAP. 405.** An Act to amend chapter three hundred and twenty of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn." Passed May 21, 1875.
- CHAP. 406.** An Act to amend an act entitled "An act to amend the charter of the city of Buffalo," passed April twenty-eight, eighteen hundred and seventy. Passed May 21, 1875; three-fifths being present.
- CHAP. 407.** An Act further to amend chapter five hundred and nineteen of the laws of eighteen hundred and seventy, entitled "An act to revise the charter of the city of Buffalo." Passed May 21, 1875; three-fifths being present.

CHAP. 408. An Act in relation to parsonages in certain cases. Passed May 21, 1875; three-fifths being present.

CHAP. 409. An Act to amend section two hundred and thirty-eight of the Code of Procedure. Passed May 21, 1875.

CHAP. 410. An Act to amend an act entitled "An act to provide for the aid and support of the poor in the counties of Erie, Kings and New York," passed April thirty, eighteen hundred and seventy-five. Passed May 21, 1875; three-fifths being present.

CHAP. 411. An Act to amend chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act passed May third, eighteen hundred and seventy, entitled 'An act to incorporate the city of Troy,' passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof," and also to amend other acts relating to the city of Troy. Passed May 21, 1875; three-fifths being present.

CHAP. 412. An Act to amend an act entitled "An act to amend an act entitled 'An act to incorporate the village of Mohawk,'" passed April seventeenth, eighteen hundred and sixty-one. Passed May 21, 1875; three-fifths being present.

CHAP. 413. An Act to repeal chapter four hundred and seventy-nine of the laws of eighteen hundred and seventy-four, entitled "An act to authorize the construction and use of a railroad in the city of Brooklyn and county of Kings, and the towns of Newtown and Jamaica in the county of Queens." Passed May 21, 1875.

CHAP. 414. An Act to provide for the compensation of non-resident justices sitting and acting as members of the general term of the first judicial department. Passed May 21, 1875; three-fifths being present.

CHAP. 415. An Act supplementary to and amendatory of the several acts relating to the water supply of Long Island City. Passed May 21, 1875; three-fifths being present.

CHAP. 416. An Act to fix the rates of fare to be charged upon the New York Central and Hudson River Railroad for transporting passengers from the depot at Buffalo to the grounds of the Buffalo Driving Park Association in said city. Passed May 22, 1875.

CHAP. 417. An Act to fix the rates of fare to be charged upon the New York Central and Hudson River Railroad for transporting passengers from the depot at Rochester to the grounds of the Western New York Agricultural and Mechanical Driving Park Association in said city. Passed May 22, 1875.

CHAP. 418. An Act to amend an act entitled "An act to incorporate the Masonic Hall Association of the village of Hornellsville," passed April twenty-seven, eighteen hundred and sixty-nine.

CHAP. 419. An Act to amend chapter three hundred and ninety of the laws of eighteen hundred and fifty-three, entitled "An act for the incorporation of library companies." Passed May 22, 1875; three-fifths being present.

CHAP. 420. An Act to amend section fourteen of title three of chapter seven of part third of the Revised Statutes. Passed May 22, 1875.

CHAP. 421. An Act to authorize towns, cities and villages to pay their bonds, issued for railroad purposes, by exchanging therefor their railroad stock or bonds, and to exchange their stock of any railroad corporation for the bonds of such corporation. Passed May 22, 1875; three-fifths being present.

CHAP. 422. An Act to amend chapter five hundred and eighty-five of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Brooklyn Elevated Silent Safety Railway, for the purposes of providing rapid transit through the city of Brooklyn, Kings county, to Woodhaven, in the town of Jamaica, in the county of Queens, and the State of New York, and to provide for constructing and operating a railway therefor," passed April twenty-six, eighteen hundred and seventy-four. Passed May 22, 1875.

CHAP. 423. An Act to regulate investments by insurance companies. Passed May 24, 1875.

CHAP. 424. An Act in regard to the boundary monuments of the State. Passed May 26, 1875; three-fifths being present.

CHAP. 425. An Act to confirm and legalize the acts of Deliverance Rogers, as notary public of the county of Washington, since March thirtieth, in the year of our Lord eighteen hundred and seventy-five. Passed May 26, 1875; three-fifths being present.

CHAP. 426. An Act to authorize the village of Port Henry to borrow money on its corporation notes or bonds to purchase a steam fire-engine and necessary fire apparatus for the use of said village, and to levy and collect a tax for the payment of the same. Passed May 27, 1875; three-fifths being present.

CHAP. 427. An Act to amend an act entitled "An act to incorporate the village of Port Richmond, in the county of Richmond," passed April twenty-fourth, eighteen hundred and sixty-six, as amended by chapter eight hundred and four of the laws of eighteen hundred and sixty-seven, and also to amend chapter four hundred and sixty-seven of the laws of eighteen hundred and seventy-four, being an act amendatory of said above-mentioned acts. Passed May 28, 1875; three-fifths being present.

CHAP. 428. An Act to amend an act entitled "An act to regulate proceedings against corporations by injunctions and otherwise," passed April seventh, eighteen hundred and seventy. Passed May 28, 1875; three-fifths being present.

CHAP. 429. An Act to amend an act entitled "An act to incorporate the city of Kingston," passed March twenty-ninth, eighteen hundred and seventy-two. Passed May 28, 1875; three-fifths being present.

CHAP. 430. An Act to legalize the proceedings of a town meeting held at the town-house, in the town of Watervliet, on the thirteenth day of April, one thousand eight hundred and seventy-five. Passed May 28, 1875; three-fifths being present.

CHAP. 431. An Act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof. Passed May 28, 1875; three-fifths being present.

CHAP. 432. An Act to amend chapter three hundred and eighty-five of the laws of eighteen hundred and seventy-one, entitled "An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Newtown, Queens county." Passed May 28, 1875; three-fifths being present.

CHAP. 433. An Act to amend chapter seven hundred and ninety-five of the laws of eighteen hundred and seventy-two, entitled "An act authorizing the formation of a separate road district in the county of Essex." Passed May 28, 1875; three-fifths being present.

CHAP. 434. An Act to amend chapter seven hundred and twenty-nine of the laws of eighteen hundred and seventy-one, entitled "An act authorizing the board of supervisors of the county of Essex to levy and assess certain taxes on certain lands in the town of Minerva, in said county." Passed May 14, 1875; three-fifths being present.

CHAP. 435. An Act to consolidate the Albany City Dispensary with the Albany City Homeopathic Hospital.

CHAP. 436. An Act to declare a road in Clinton county a public highway. Passed May 28, 1875; three-fifths being present.

CHAP. 437. An Act relating to the Buffalo East Side Street Railway Company. Passed May 28, 1875.

CHAP. 438. An Act to release the right, title and interest of the People of the State of New York of, in and to certain real estate of which Thomas Thompson died seized, to Mary Smith, formerly Mary Thompson, his widow. Passed May 28, 1875, by a two-third vote.

CHAP. 439. An Act to amend an act entitled "An act to revise the charter of the city of Auburn," passed April twenty-second, eighteen hundred and sixty-nine. Passed May 28, 1875; three-fifths being present.

CHAP. 440. An Act to amend an act entitled "An act to incorporate the Deaconess Institution of the Evangelical Lutheran Church," passed April fourteenth, eighteen hundred and sixty-nine.

CHAP. 441. An Act to make town one, range eight of the Holland land company survey, located in the town of South Valley, Cattaraugus county, a separate road district and provide for a commissioner of highways for said district, and also to appropriate money to repair a bridge over the Allegany river on the Indian reservation in said town. Passed May 28, 1875, by a two-third vote.

CHAP. 442. An Act to amend an act entitled "An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or territories of the United States," passed March tenth, eighteen hundred and seventy. Passed May 28, 1875; three-fifths being present.

CHAP. 443. An Act to amend an act entitled "An act to amend an act entitled 'An act to provide for the incorporation of religious societies,' passed April fifth, eighteen hundred and thirteen, and supplementary thereto," passed March twenty-ninth, eighteen hundred and seventy-five. Passed May 28, 1875.

CHAP. 444. An Act to amend an act entitled "An act authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Poughkeepsie, in the county of Dutchess," passed April fourth, eighteen hundred and sixty-six. Passed May 28, 1875.

CHAP. 445. An Act to further amend an act entitled "An act for the incorporation of companies formed to navigate the ocean by steamships or ships or vessels using caloric engines," passed April twelfth, eighteen hundred and fifty-two. Passed May 28, 1875.

CHAP. 446. An Act explaining section one, chapter two hundred and fifty-one of the laws of eighteen hundred and seventy-five, entitled "An act for the support and maintenance of prisoners confined upon civil process." Passed May 28, 1875; three-fifths being present.

CHAP. 447. An Act to amend chapter fifty-nine of the laws of one thousand eight hundred and sixty-eight, entitled "An act to establish the office of receiver of taxes in the town of Greenburgh, in the county of Westchester, State of New York." Passed May 28, 1875; three-fifths being present.

CHAP. 448. An Act confirming the title of the trustees of school district number three, in the town of Amherst, in the county of Erie, to the lands and property of the Williams-ville academy, in said county. Passed May 28, 1875.

CHAP. 449. An Act authorizing the State Homœopathic Medical Society to change the time for holding annual, regular or special meetings.

CHAP. 450. An Act to amend chapter six hundred and seventy-six of the laws of eighteen hundred and seventy, entitled "An act to incorporate the Richmond Hotel Company of Staten Island.

CHAP. 451. An Act to amend an act entitled "An act in relation to the Troy water-works," passed March nine, eighteen hundred and fifty-five. Passed May 28, 1875; three-fifths being present.

CHAP. 452. An Act further to amend chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," and the several acts amendatory thereof. Passed May 28, 1875.

CHAP. 453. An Act to repeal a portion of section one of title six of chapter thirty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to reorganize the village of Medina." Passed May 28, 1875; three-fifths being present.

CHAP. 454. An Act to authorize the county of Kings to possess and use the State Arsenal in the city of Brooklyn as an armory, and to alter and repair the same for that purpose. Passed May 28, 1875, by a two-third vote.

- CHAP. 455.** An Act to further amend chapter one hundred and thirty-eight of the laws of one thousand eight hundred and fifty-eight, entitled "An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road, and to pay the expenses of keeping the same in repair," passed March twenty-four, eighteen hundred and fifty-seven; passed April twelve, eighteen hundred and fifty-eight. Passed May 28, 1875; three-fifths being present.
- CHAP. 456.** An Act to repeal section ten of chapter three hundred and ninety-eight of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Batavia Literary Association, and appropriating certain moneys thereto." Passed May 28, 1875; three-fifths being present.
- CHAP. 457.** An Act to release the interest of the People of the State of New York, in certain real estate, of which William Grant, late of the town of Arcadia, in the county of Wayne, died seized, and authorizing his heirs at law to hold and convey the same. Passed April 28, 1875, by a two-third vote.
- CHAP. 458.** An Act to amend chapter eight hundred and seven of the laws of eighteen hundred and seventy-three, entitled "An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein." Passed May 28, 1875; three-fifths being present.
- CHAP. 459.** An Act in relation to the collection of uncollected taxes in the village of Brockport. Passed May 28, 1875; three-fifths being present.
- CHAP. 460.** An Act to release the interest of the State of New York in certain real estate in the city of Albany, of which William Wilcox died seized. Passed May 28, 1875, by a two-third vote.
- CHAP. 461.** An Act to amend chapter forty-two of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village." Passed May 28, 1875; three-fifths being present.
- CHAP. 462.** An Act in relation to a public square in the village of Manchester, Ontario county. Passed May 28, 1875; three-fifths being present.
- CHAP. 463.** An Act to amend an act entitled "An act to revise the charter of the city of Auburn," passed April twenty-second, eighteen hundred and sixty-nine. Passed May 28, 1875; three-fifths being present.
- CHAP. 464.** An Act to provide houses of detention in the several counties of this State, for the safe-keeping and proper care of women and children charged with offenses and held for trial, and also for the detention of all persons held as witnesses. Passed May 28, 1875; three-fifths being present.
- CHAP. 465.** An Act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein. Passed May 28, 1875.
- CHAP. 466.** An Act to exempt property, real and personal, of the Society of the New York Hospital from taxation, and to repeal section four of chapter two hundred and fifty-seven, of the laws of eighteen hundred and twenty-two. Passed May 28, 1875; three-fifths being present.
- CHAP. 467.** An Act to authorize the appointment and employment of a stenographer for the recorder's court of the city of Oswego. Passed May 28, 1875; three-fifths being present.

- CHAP. 468.** An Act to amend an act entitled "An act to amend the act entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April twelfth, eighteen hundred and forty-two, and the several acts amendatory thereof; and also to repeal the act establishing a capital police district, and to provide for the government thereof,' passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, in so far as they relate to the city of Albany passed March sixteenth, eighteen hundred and seventy," passed April fifteenth, eighteen hundred and seventy-one. Passed May 28, 1875; three-fifths being present.
- CHAP. 469.** An Act to enable the Buffalo General Hospital to change the number of its trustees.
- CHAP. 470.** An Act to amend chapter five hundred and forty-six of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Mechanicville Bridge Company for the purpose of constructing a bridge over the Hudson river, between the village of Mechanicville and the town of Schaghticoke." Passed May 28, 1875.
- CHAP. 471.** An Act supplementary to chapter seven hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown," and the acts amendatory thereof. Passed May 28, 1875; three-fifths being present.
- CHAP. 472.** An Act to repeal chapter nine hundred and sixty-nine of the laws of eighteen hundred and sixty-seven, entitled "An act in relation to inspection of steam boilers in the State of New York, except in the metropolitan police district." Passed May 28, 1875; three-fifths being present.
- CHAP. 473.** An Act to legalize the acts of the several boards of health in the towns of Kings county and in the towns of Newtown, Flushing and Jamaica, in the county of Queens. Passed May 28, 1875; three-fifths being present.
- CHAP. 474.** An Act to amend chapter four hundred and fifty-five of the laws of eighteen hundred and forty-seven, entitled "An act to amend an act entitled 'An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts,'" passed May tenth, eighteen hundred and forty-five. Passed May 28, 1875; three-fifths being present.
- CHAP. 475.** An Act to annex the village of West Mount Vernon, in the county of Westchester, to the village of Mount Vernon in the county of Westchester. Passed May 28, 1875; three-fifths being present.
- CHAP. 476.** An Act to provide for a uniform system, for the repavement of streets, avenues and public places in the city of New York. Passed May 28, 1875; three-fifths being present.
- CHAP. 477.** An Act to amend an act entitled "An act to provide a further supply of pure and wholesome water for the city of New York," passed February twenty-seven, eighteen hundred and seventy-one; and also to amend an act to re-enact and amend the same, passed April six, eighteen hundred and seventy-one; also to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary main therefor, and to deliver it at higher elevation. Passed May 28, 1875; three-fifths being present.
- CHAP. 478.** An Act to confirm the proceedings of supervisors and justices of the peace of the several towns in the county of Kings relating to town sealers. Passed May 28, 1875; three-fifths being present.
- CHAP. 479.** An Act in relation to the jurisdiction of the marine court of the city of New York, and to the justices of said court. Passed June 3, 1875; three-fifths being present.
- CHAP. 480.** An Act to fix the compensation of certain officers in the city and county of New York. Passed June 3, 1875; three-fifths being present.
- CHAP. 481.** An Act to amend chapter five hundred and twenty-one of the laws of eighteen hundred and fifty-seven, entitled "An act in relation to sewerage and drainage in the city of Brooklyn." Passed June 5, 1875; three-fifths being present.

CHAP. 482. An Act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors. Passed June 5, 1875; three-fifths being present.

CHAP. 483. An Act to amend chapter eight hundred and twenty-five of the laws of eighteen hundred and seventy-three, entitled "An act to authorize the laying of rails and to run cars thereon for the transportation of passengers in certain streets and avenues in the upper part of the city of New York." Passed June 5, 1875.

CHAP. 484. An Act authorizing and empowering the commissioners of the sinking fund of the city of New York to assign, to the board of education, certain property to be used for school purposes. Passed June 5, 1875; three-fifths being present.

CHAP. 485. An Act authorizing the board of engineers of the Fourth Avenue Improvement to alter their plans for crossing at and between Fifty-first and Fifty-third streets, in the city of New York. Passed June 5, 1875; three-fifths being present.

CHAP. 486. An Act in relation to the Port road in the city of Brooklyn. Passed June 5, 1875; three-fifths being present.

CHAP. 487. An Act to alter the commissioners' map of the city of Brooklyn, and for other purposes. Passed June 5, 1875; three-fifths being present.

CHAP. 488. An Act to provide for the improvement of Thirty-ninth street in the city of Brooklyn. Passed June 5, 1875; three-fifths being present.

CHAP. 489. An Act to amend chapter five hundred and eighty-three of the laws of eighteen hundred and seventy-four, entitled "An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings." Passed June 5, 1875; three-fifths being present.

CHAP. 490. An Act to amend chapter four hundred and ninety-five of the laws of eighteen hundred and seventy-four, entitled "An act in relation to certain assessments for sewers in the city of Brooklyn." Passed June 5, 1875; three-fifths being present.

CHAP. 491. An Act for the demolition of unsafe walls and buildings in the city of Brooklyn. Passed June 5, 1875.

CHAP. 492. An Act relative to taxation and appropriations in the city of New York, and to provide for the payment of part of the cost of the Fourth avenue improvement, from revenue bonds to be paid from taxation in eighteen hundred and seventy-six, instead of eighteen hundred and seventy-five, and to reduce the tax levy of eighteen hundred and seventy-five accordingly. Passed June 5, 1875; three-fifths being present.

CHAP. 493. An Act to repeal an act entitled "An act to further provide for the rebuilding and repairing of sewers in the city of New York," passed March twenty-nine, eighteen hundred and seventy-one. Passed June 5, 1875; three-fifths being present.

CHAP. 494. An Act to alter the map or plan of the city of New York, by striking therefrom the proposed Avenue B, between Sixty-eighth and Seventy-ninth streets, and the proposed Avenue A, between One Hundredth and One Hundred and Sixth streets. Passed June 5, 1875; three-fifths being present.

CHAP. 495. An Act relating to the court of arbitration of the chamber of commerce of the State of New York, and to provide for the expenses thereof. Passed June 5, 1875; three-fifths being present.

CHAP. 496. An Act to facilitate the distribution of the property and effects of the American Tontine Life and Savings Insurance Company of New York.

CHAP. 497. An Act to amend an act entitled "An act in relation to the salary of the supervisors of Albany county," passed May third, eighteen hundred and seventy-one. Passed June 7, 1875; three-fifths being present.

CHAP. 498. An Act in relation to the benevolent fund of the late volunteer fire department of the town of Morrisania, now the twenty-third ward of the city of New York.

CHAP. 499. An Act to require the Canal Board to investigate, consider and report upon the disposition to be made of the lateral canals. Passed June 7, 1875; three-fifths being present.

- CHAP. 500.** An Act to amend an act entitled "An act for the incorporation of the trustees of the parochial fund of the Protestant Episcopal church in the diocese of Western New York," passed March twenty-six, eighteen hundred and sixty-three.
- CHAP. 501.** An Act to amend an act entitled "An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson," passed May first, eighteen hundred and seventy-two. Passed June 7, 1875; three-fifths being present.
- CHAP. 502.** An Act ceding jurisdiction over certain land under water in Cold Spring harbor, Queens county, Long Island, for light-house purposes of the United States. Passed June 7, 1875, by a two-third vote.
- CHAP. 503.** An Act to amend chapter six hundred and seventy-five of the laws of eighteen hundred and seventy-two, entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat." Passed June 7, 1875; three-fifths being present.
- CHAP. 504.** An Act to amend chapter four hundred and fifty-five of the laws of eighteen hundred and seventy-four, entitled "An act to protect the fisheries of 'Cross lake,' in the county of Onondaga, State of New York, also of Clyde and Seneca rivers, in counties of Wayne and Cayuga." Passed June 7, 1875; three-fifths being present.
- CHAP. 505.** An Act authorizing the city of Buffalo to convey to adjacent land owners, lands lying within the limits of certain streets, located in the south village of Black Rock, whenever any such street shall be discontinued or contracted. Passed June 7, 1875; three-fifths being present.
- CHAP. 506.** An Act to amend an act entitled "An act to incorporate the city of Lockport," passed April eleventh, eighteen hundred and sixty-five, and the acts amendatory thereof. Passed June 7, 1875; three-fifths being present.
- CHAP. 507.** An Act to amend chapter four hundred and forty-eight of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its present charter." Passed June 7, 1875; three-fifths being present.
- CHAP. 508.** An Act to amend section third of title four of chapter eight of part third of the Revised Statutes. Passed June 7, 1875; three-fifths being present.
- CHAP. 509.** An Act to enable incorporated parishes of the Protestant Episcopal church in the diocese of Central New York to make certain transfers of their real and personal estate.
- CHAP. 510.** An Act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled "An act to amend the act passed February seventeen, eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" passed April twentieth, eighteen hundred and seventy-one. Passed June 7, 1875.
- CHAP. 511.** An Act to authorize the commissioners of the town of Richford in the county of Tioga, appointed under and by virtue of chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act. Passed June 7, 1875; three-fifths being present.
- CHAP. 512.** An Act to amend an act entitled "An act to facilitate the forming of agricultural and horticultural societies," passed April thirteenth, eighteen hundred and fifty-five. Passed June 7, 1875.
- CHAP. 513.** An Act to abandon the further use, by the People of the State of New York, of the buildings, lands and improvements in the county of Albany used as a public arsenal, and to convey said buildings, and improvements to the city of Albany. Passed June 7, 1875.
- CHAP. 514.** An Act to provide for the election of police justices in villages. Passed June 7, 1875; three-fifths being present.

- CHAP. 515.** An Act relating to lands in the old military tract sold by the State Engineer and Surveyor. Passed June 7, 1875; three-fifths being present.
- CHAP. 516.** An Act to amend chapter two hundred and ninety-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the city of Binghamton," and the several acts amending the same. Passed June 7, 1875; three-fifths being present.
- CHAP. 517.** An Act to provide for the settlement of the floating debt of the village of Saratoga Springs, and authorizing the election of a permanent board of auditors for said village. Passed June 7, 1875; three-fifths being present.
- CHAP. 518.** An Act to amend chapter fifty-one of laws of eighteen hundred and sixty-four, entitled "An act in relation to the Bureau of Military Statistics." Passed June 7, 1875.
- CHAP. 519.** An Act providing for the appointment of trustees of the estates of persons absenting themselves from their domiciles in this State and remaining unheard of, or suddenly disappearing. Passed June 7, 1875.
- CHAP. 520.** An Act relative to the civil code. Passed June 7, 1875.
- CHAP. 521.** An Act to incorporate the fire department of the North Shore of Staten Island.
- CHAP. 522.** An Act to authorize the various associations and societies incorporated under the laws of the State of New York for the purpose of taking care of and protecting destitute infant minor children, to bind out by indenture destitute children, who are in their care and keeping. Passed June 7, 1875.
- CHAP. 523.** An Act making an appropriation for the purpose of restocking the public streams of this State with speckled trout and other fish. Passed June 7, 1875; three-fifths being present.
- CHAP. 524.** An Act to amend chapter one hundred and fifty-four of the laws of eighteen hundred and seventy-five, entitled "An act for the preservation of fish in the waters of the Genesee river, its branches or tributaries, in the county of Allegany." Passed June 7, 1875; three-fifths being present.
- CHAP. 525.** An Act authorizing the appointment of Centennial Commissioners. Passed June 7, 1875, by a two-third vote.
- CHAP. 526.** An Act in relation to the estate of the infant children, and heirs at law of Martha West Yale, deceased.
- CHAP. 527.** An Act to legalize and confirm the official acts and proceedings of Edson Potter, Harvey P. Potter, Benjamin F. Read and William Horton as constables in the town of Colton, county of St. Lawrence. Passed June 7, 1875; three-fifths being present.
- CHAP. 528.** An Act to repeal section three of chapter one hundred and thirty of laws of eighteen hundred and seventy-one, being an act authorizing the town of Friendship to raise moneys by tax, in aid of Friendship Academy. Passed June 7, 1875; three-fifths being present.
- CHAP. 529.** An Act to authorize the court of oyer and terminer and court of sessions of the county of Kings, to sentence prisoners convicted in said courts, of certain offenses, to the penitentiary of said county for any term for which they might be sentenced to a State prison. Passed June 7, 1875; three-fifths being present.
- CHAP. 530.** An Act to amend an act and the title of an act, entitled "An act to repeal chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison, and Steuben,'" passed April twenty-one, one thousand eight hundred and seventy-four. Passed June 7, 1875; three-fifths being present.

- CHAP. 531.** An Act relative to certain lands in the village of Flushing, devised by Silas Hick, deceased.
- CHAP. 532.** An Act to release to the heirs at law and devisees of William Moffat, late of Syracuse, the right, title and interest of the People of the State of New York in and to certain real estate in the city of Syracuse. Passed June 7, 1875, by a two-third vote.
- CHAP. 533.** An Act providing for the disposition of excise moneys in the several towns of Orange county, except the city and town of Newburgh. Passed June 7, 1875; three-fifths being present.
- CHAP. 534.** An Act to release the interest of the People of the State of New York in certain real estate in the city of Brooklyn to Anne Pinketon, formerly Anne Scott. Passed June 7, 1875, by a two-third vote.
- CHAP. 535.** An Act to release to Susan Grant the right, title and interest of the People of the State of New York, in and to certain real estate in the city of Rochester. Passed June 7, 1875, by a two-third vote.
- CHAP. 536.** An Act to further amend chapter three hundred and six of the laws of one thousand eight hundred and sixty-one, entitled "An act to amend the act passed May eighth, one thousand eight hundred and forty-six, entitled 'An act to authorize the establishment of the House of Refuge for Juvenile Delinquents in Western New York.'" Passed June 7, 1875; three-fifths being present.
- CHAP. 537.** An Act to release the interest which the State of New York may have acquired to the real estate of which John Smith died seized to his widow, Mary Newman. Passed June 7, 1875, by a two-third vote.
- CHAP. 538.** An Act to amend an act entitled "An act supplementary to an act in relation to a public park in the city of Albany," passed April twenty-three, eighteen hundred and seventy, and the "Act in relation to Washington park of the city of Albany," passed March eleven, eighteen hundred and seventy-three. Passed June 7, 1875; three-fifths being present.
- CHAP. 539.** An Act to permit the town officers of the county of Rockland to take the oath of office prescribed by the Constitution. Passed June 7, 1875.
- CHAP. 540.** An Act to provide for the change of name of the Ninth Ward Bank of the city of New York.
- CHAP. 541.** An Act to provide for the completion and publication of the map of the Adirondack survey.
- CHAP. 542.** An Act to provide for the apportionment of rents, annuities, dividends and other payments. Passed June 7, 1875.
- CHAP. 543.** An Act to alter and define the boundaries of the first and second commissioner districts of Monroe county. Passed June 7, 1875; three-fifths being present.
- CHAP. 544.** An Act authorizing the payment of Wm. A. Dunn as doorkeeper of the Assembly, etc.
- CHAP. 545.** An Act to amend section sixty-seven of article two, chapter one, part two, title two of the Revised Statutes, in relation to trusts. Passed June 7, 1875.
- CHAP. 546.** An Act to amend an act entitled "An act to widen and improve Ninth avenue and Fifteenth street in the city of Brooklyn." Passed June 8, 1875; three-fifths being present.
- CHAP. 547.** An Act to provide for the improvement of portions of Commercial street, Union place and Prospect place in the city of Brooklyn. Passed June 9, 1875; three-fifths being present.
- CHAP. 548.** An Act relative to the custody of certain records of tax and assessment sales in the city of Brooklyn. Passed June 9, 1875.
- CHAP. 549.** An Act to amend an act entitled "An act to provide for the proper drainage of lands within the corporate limits of the city and county of New York." Passed June 9, 1875; three-fifths being present.
- CHAP. 550.** An Act authorizing the city of Schenectady to raise money for school purposes. Passed June 9, 1875; three-fifths being present.

- CHAP. 551.** An Act to except a railroad proposed to be constructed in the towns of New Utrecht, Gravesend and Flatlands, from the provisions of an act to regulate the construction and protection of railway crossings in the county of Kings, passed April nineteen, eighteen hundred and seventy-one. Passed June 9, 1875.
- CHAP. 552.** An Act in relation to habitual drunkards, vagrants and prostitutes in the county of Erie. Passed June 9, 1875; three-fifths being present.
- CHAP. 553.** An Act to authorize the city of Buffalo to issue its bonds for the purpose of extending the supply of water to the city and its inhabitants. Passed June 9, 1875; three-fifths being present.
- CHAP. 554.** An Act to authorize the common council of the city of Buffalo to discontinue East street between Parish and South streets, and Dearborn street between Parish and Tonawanda streets. Passed June 9, 1875; three-fifths being present.
- CHAP. 555.** An Act to amend chapter four hundred and sixty-six of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of fire insurance companies." Passed June 9, 1875.*
- CHAP. 556.** An Act to repeal chapter three hundred and nine of the laws of one thousand eight hundred and fifty-three, entitled "An act relative to the common lands in the town of North Hempstead, county of Queens." Passed June 9, 1875; three-fifths being present.
- CHAP. 557.** An Act in relation to the expenses of contested seats in the Legislature of this State. Passed June 9, 1875.
- CHAP. 558.** An Act to amend chapter five hundred and twenty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to provide increased facilities of the fire department of the town of New Lots." Passed June 9, 1875; three-fifths being present.
- CHAP. 559.** An Act to amend chapter three hundred and sixty-seven of the laws of eighteen hundred and seventy-three, entitled "An act amending an act entitled 'An act to establish free schools in district number three, of the town of Flushing,' passed April sixteenth, eighteen hundred and fifty-seven, enlarging said district and authorizing a greater school tax therein." Passed June 9, 1875; three-fifths being present.
- CHAP. 560.** An Act to amend chapter three hundred and thirty-one of the laws of one thousand eight hundred and fifty-seven, entitled "An act to make the office of supervisor in Rensselaer county a salaried office, and to regulate the compensation of the clerk of the board of supervisors, and other officers in said county." Passed June 9, 1875; three-fifths being present.
- CHAP. 561.** An Act appointing commissioners to examine the accounts, acts and proceedings of the board of water commissioners of the city of Rochester, for constructing water-works for said city, and also the commissioners appointed to fix upon the site for a city hall and erection of a building, to be used as such thereon in the city of Rochester. Passed June 9, 1875; three-fifths being present.
- CHAP. 562.** An Act to regulate the price of, and the quality of, gas used in the city of Yonkers, in the county of Westchester. Passed June 9, 1875.
- CHAP. 563.** An Act in relation to the care, custody and management of the water-works of the city of Rochester, and to regulate the collection of water rents in said city. Passed June 9, 1875; three-fifths being present.
- CHAP. 564.** An Act to amend chapter one hundred and twenty-two of the laws of eighteen hundred and fifty-one, entitled "An act for the incorporation of building, mutual, loan and accumulating fund associations." Passed June 9, 1875.
- CHAP. 565.** An Act to incorporate the New York Cheap Transportation Association.
- CHAP. 566.** An Act to incorporate the Electro-Medico College of the State of New York in the city of New York.

CHAP. 567. An Act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction." Passed June 9, 1875; three-fifths being present.

CHAP. 568. An Act to authorize the common council of the city of Binghamton to raise and borrow money to be used by commissioners for the purpose of purchasing land and erecting a city hall building, and a lock-up thereon, and furnish the same. Passed June 9, 1875; three-fifths being present.

CHAP. 569. An Act authorizing the city of Buffalo to take certain lands for a public park and to provide for the payment thereof. Passed June 9, 1875; three-fifths being present.

CHAP. 570. An Act to amend section six of title four of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages." Passed June 9, 1875; three-fifths being present.

CHAP. 571. An Act to authorize the confinement of convicts in the county penitentiaries of this State. Passed June 9, 1875; three-fifths being present.

CHAP. 572. An Act in relation to taxes on lands sold by the State, and to amend the Revised Statutes relating thereto. Passed June 9, 1875; three-fifths being present.

CHAP. 573. An Act to amend an act entitled "An act to regulate the size of apple, pear and potato barrels," passed May twelfth, one thousand eight hundred and sixty-two. Passed June 9, 1875; three-fifths being present.

CHAP. 574. An Act to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylum for their treatment and safe-keeping, and the duties of the State commissioner in lunacy," passed May twelfth, eighteen hundred and seventy-four. Passed June 9, 1875; three-fifths being present.

CHAP. 575. An Act to amend chapter twenty-one of the laws of eighteen hundred and fifty-five, entitled "An act in relation to non-resident highway taxes upon certain lands in Essex county." Passed June 10, 1875; three-fifths being present.

CHAP. 576. An Act to amend chapter twenty-five of the laws of eighteen hundred and seventy, entitled "An act to incorporate the city of Rome," and also to amend chapter forty-nine of the laws of eighteen hundred and seventy-one, entitled "An act to amend an act entitled 'An act to incorporate the city of Rome.'" Passed June 10, 1875; three-fifths being present.

CHAP. 577. An Act to revise and consolidate the several acts relative to public schools in the city of Auburn. Passed June 10, 1875; three-fifths being present.

CHAP. 578. An Act to amend an act entitled "An act to re-enact and amend an act entitled 'An act to incorporate the city of Yonkers,' passed June one, eighteen hundred and seventy-two;" passed February twenty-eight, eighteen hundred and seventy-three.

CHAP. 579. An Act to provide for the construction of sewers in the city of Yonkers. Passed June 10, 1875; three-fifths being present.

CHAP. 580. An Act to amend the charter of the village of Avon. Passed June 12, 1875; three-fifths being present.

CHAP. 581. An Act to amend chapter three hundred and twenty of the laws of eighteen hundred and fifty-nine, entitled "An act to amend the incorporation of the village of Lancaster." Passed June 12, 1875; three-fifths being present.

CHAP. 582. An Act to amend chapter three hundred and eighty-nine of the laws of eighteen hundred and fifty-four, entitled "An act to amend and consolidate the laws in relation to Amsterdam village, in Montgomery county." Passed June 12, 1875; three-fifths being present.

CHAP. 583. An Act in relation to the justices of the peace in the towns of Gates, Greece and Irondequoit, in Monroe county, who reside in that part of said towns added to the city of Rochester, by chapter four hundred and eighty-two of the session laws of eighteen hundred and seventy-four. Passed June 12, 1875; three-fifths being present.

- CHAP. 584.** An Act to authorize the reduction of the capital stock of "The New York Loan and Indemnity Company," in the city of New York, and to change the corporate name.
- CHAP. 585.** An Act to provide for the sale of stock and bonds of bankrupt railroad companies by municipal corporations holding the same, and for the disposition of the proceeds of such stock or bonds. Passed June 12, 1875; three-fifths being present.
- CHAP. 586.** An Act to define the powers and privileges of railroad corporations, and to repeal sections three and four of chapter two hundred and seventy-eight of the laws of eighteen hundred and sixty-eight, entitled "An act in relation to the Erie, New York Central, Hudson River and Harlem Railway Companies." Passed June 12, 1875.
- CHAP. 587.** An Act in relation to the floating debt of the village of Edgewater. Passed June 12, 1875; three-fifths being present.
- CHAP. 588.** An Act in relation to the county court-house and jail in Queens county. Passed June 12, 1875; three-fifths being present.
- CHAP. 589.** An Act to extend the powers of the trustees of the village of Wilson in the county of Niagara. Passed June 12, 1875; three-fifths being present.
- CHAP. 590.** An Act to amend chapter three hundred and forty-four of the laws of eighteen hundred and sixty, entitled "An act relating to the support of the poor of Rensselaer county," passed April thirteenth, eighteen hundred and sixty, and to define the term of office of the acting superintendent and auditing superintendents of the poor now in office under said act. Passed June 12, 1875; three-fifths being present.
- CHAP. 591.** An Act to authorize the common council of the city of Syracuse to repave Salina street in said city. Passed June 12, 1875; three-fifths being present.
- CHAP. 592.** An Act to amend chapter forty of the laws of eighteen hundred and seventy-two, entitled "An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water," and supplementary thereto. Passed June 12, 1875; three-fifths being present.
- CHAP. 593.** An Act to amend chapter three hundred and eighty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to supply the city of Rochester with pure and wholesome water." Passed June 15, 1875; three-fifths being present.
- CHAP. 594.** An Act to re-appropriate moneys for construction of new work upon and extraordinary repairs of the canals of the State, and for payment of awards made by the Canal Appraisers. Passed June 16, 1875; three-fifths being present.
- CHAP. 595.** An Act to authorize and require the New York Elevated Railroad Company to continue and complete its railroad in the city of New York, and to regulate the construction, operation and management thereof. Passed June 17, 1875.
- CHAP. 596.** An Act to amend chapter four hundred and twenty-six of the laws of eighteen hundred and sixty-seven, entitled "An act to amend chapter six hundred of the laws of eighteen hundred and sixty-five, passed April twenty-eighth, eighteen hundred and sixty-five," entitled "An act to amend an act entitled 'An act in relation to the compensation of the several officers of State prisons,' passed April twenty-third, eighteen hundred and sixty-four." Passed June 18, 1875; three-fifths being present.
- CHAP. 597.** An Act to amend an act entitled "An act to provide for the incorporation of religious societies," passed April fifth, one thousand eight hundred and thirteen. Passed June 18, 1875; three-fifths being present.
- CHAP. 598.** An Act in relation to railroad corporations. Passed June 18, 1875.
- CHAP. 599.** An Act relative to the powers of the Buffalo Street Railroad Company and the Buffalo East Side Railroad Company of the city of Buffalo. Passed June 18, 1875.
- CHAP. 600.** An Act relating to fares for carrying passengers on street railroads in the city of Buffalo. Passed June 18, 1875.
- CHAP. 601.** An Act to confirm and legalize certain acts of the common council of the city of Elmira. Passed June 18, 1875; three-fifths being present.
- CHAP. 602.** An Act to provide for the removal of obstruction from the Delaware river and certain of its branches, and to make an appropriation therefor. Passed June 18, 1875, by a two-third vote.
- CHAP. 603.** An Act to incorporate the Great Council of the Improved Order of Red Men of the State of New York.

CHAP. 604. An Act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the Bay of New York or Raritan bay, within the jurisdiction of the State of New York. Passed June 18, 1875; three-fifths being present.

CHAP. 605. An Act in relation to the county treasurers of the counties of Monroe, Seneca.* Passed June 18, 1875; three-fifths being present.

CHAP. 606. An Act further to provide for the construction and operation of a steam railway or railways in counties of the State. Passed June 18, 1875; three-fifths being present.

CHAP. 607. An Act authorizing the city of Elmira to use a portion of the Chemung canal for a public street, and for other purposes. Passed June 21, 1875; three-fifths being present.

CHAP. 608. An Act to make further provision for the payment of further expenses of the local government of the city of New York. Passed June 21, 1875; three-fifths being present.

CHAP. 609. An Act to authorize a recovery at law for repairs heretofore made to the pavement of Broadway, in the city of New York. Passed June 21, 1875; three-fifths being present.

CHAP. 610. An Act to provide ways and means for the support of government. Passed June 21, 1875; three-fifths being present.

CHAP. 611. An Act to provide for the organization and regulation of certain business corporations. Passed June 21, 1875; three-fifths being present.

CHAP. 612. An Act to amend chapter five hundred and fifty-six of the laws of one thousand eight hundred and seventy-four, entitled "An act to enable the towns of East Chester and Pelham, in the county of Westchester, to purchase and obtain lands for the improvement of East Chester creek." Passed June 21, 1875; three-fifths being present.

CHAP. 613. An Act to authorize the formation of corporations for the safe-keeping and guarantying of personal property. Passed June 21, 1875; three-fifths being present.

CHAP. 614. An Act to amend the charter of the American Institute of the city of New York.

CHAP. 615. An Act to reduce rates of ferriage on certain ferry routes between the city of New York and the seventeenth ward of the city of Brooklyn, and to establish rates of ferriage thereon, and to regulate the running of said ferries. Passed June 21, 1875.

CHAP. 616. An Act to amend chapter four hundred and eight of the laws of eighteen hundred and seventy, entitled "An act relating to the supreme court, and to the election of a judge of the court of common pleas, in and for the city and county of New York." Passed June 21, 1875; three-fifths being present.

CHAP. 617. An Act for the improvement of Myrtle avenue in the city of Brooklyn. Passed June 21, 1875; three-fifths being present.

CHAP. 618. An Act to provide for the opening and improving of Lewis avenue, and for extending, opening and improving of Downing street in the city of Brooklyn. Passed June 21, 1875.

CHAP. 619. An Act in relation to the powers and duties of the department of public parks of the city of New York. Passed June 21, 1875; three-fifths being present.

CHAP. 620. An Act to regulate coroners' inquests in the city and county of New York, and provide for the payment of services rendered by scientific persons as experts. Passed June 21, 1875; three-fifths being present.

CHAP. 621. An Act to legalize, ratify and confirm the official action of the board of assessors of the city of New York, in designating the New York Journal to publish notices in the year eighteen hundred and seventy-two, in relation to paving streets, laying crosswalks and building sewers in said city, and providing for payment for the publication of such notices. Passed June 21, 1875; three-fifths being present.

CHAP. 622. An Act relative to the construction of sewers in a certain district in the city of Brooklyn, and providing for laying an assessment for sewers in said district. Passed June 21, 1875; three-fifths being present.

CHAP. 623. An Act to increase the powers of the common council of the city of Brooklyn. Passed June 21, 1875; three-fifths being present.

- CHAP. 624.** An Act to amend an act entitled "An act in relation to the pay of the officers and members of the fire department of the city of Brooklyn," chapter eight hundred and fifty-six, laws of eighteen hundred and seventy-three, passed June twenty-eighth, eighteen hundred and seventy-three. Passed June 21, 1875; three-fifths being present.
- CHAP. 625.** An Act in relation to courts of record of the city and county of New York. Passed June 21, 1875.
- CHAP. 626.** An Act relating to the powers and duties of the board of commissioners of charities of the county of Kings. Passed June 21, 1875; three-fifths being present.
- CHAP. 627.** An Act in relation to the Inebriates' Home for Kings county, and to amend chapter six hundred and eighty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to provide means for the support of Inebriates' Home for Kings county, and the better government thereof." Passed June 21, 1875; three-fifths being present.
- CHAP. 628.** An Act in relation to the Dale Cemetery Association in the town of Ossining, in the county of Westchester. Passed June 21, 1875.
- CHAP. 629.** An Act to authorize and direct the mayor, aldermen and commonalty of the City of New York to pay to the county of Westchester claims and demands due said county of Westchester, from said city and county of New York, growing out of the annexation to said city and county of New York, of the late towns of Morrisania, West Farms and Kingsbridge. Passed June 21, 1875; three-fifths being present.
- CHAP. 630.** An Act in relation to the prepayment of the fees of sheriffs upon executions. Passed June 21, 1875.
- CHAP. 631.** An Act to amend chapter seven hundred and fifty-seven of the laws of eighteen hundred and seventy-three, entitled "An act to amend chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled 'An act to re-organize the local government of the city of New York,'" passed April thirteenth, eighteen hundred and seventy-three. Passed June 21, 1875; three-fifths being present.
- CHAP. 632.** An Act to authorize the board of assessors in the city of New York to revise and correct the assessments for the outlet sewer in Eightieth street and other streets in said city. Passed June 21, 1875; three-fifths being present.
- CHAP. 633.** An Act to amend the charter of the city of Brooklyn, being the act for that purpose passed June twenty-eighth, eighteen hundred and seventy-three, and the act for that purpose passed June first, eighteen hundred and seventy-four. Passed June 21, 1875; three-fifths being present.
- CHAP. 634.** An Act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations. Passed June 21, 1875, by a two-third vote.

CONCURRENT RESOLUTIONS:

- In relation to the improvement of Harlem river and Spuyten Duyvil creek.
- Protesting against the projected mode of improvement of the Kill-von-Kull.
- Relative to the removal of obstructions in the East and Harlem rivers at Hell Gate.
- Relative to leases between Indian and white settlers on the Allegany Indian reservation.
- Relative to the improvement of the East river.
- Relative to an amendment to the United States Homestead Law of eighteen hundred and seventy-two.
- Relative to paying George Worthington for materials furnished for the construction of the Elmira Reformatory.
- Relative to paying John Riley and George W. Aldridge for furnishing materials and doing work on Elmira Reformatory.
- Appointing a joint committee of Senate and Assembly to investigate and examine into the management of the canals.
- Authorizing the Governor to appoint a commission to investigate canal affairs.
- Extending the joint committee to investigate and examine into the question of canal frauds.

Relative to distribution of specimens of minerals and fossils from State Museum of Natural History.

In reference to the rates of tolls on canals to be established for the current year.

PROPOSING AN AMENDMENT to section three, article five of the Constitution.

PROPOSING AN AMENDMENT to section four of article five of the Constitution.

Providing for copies of the report on the topographical survey of the Adirondack wilderness for the Legislature of eighteen hundred and seventy-five.

Amendatory to concurrent resolution in relation to the Kill-von-Kull.

Relative to boundary lines between the States of New York and New Jersey.

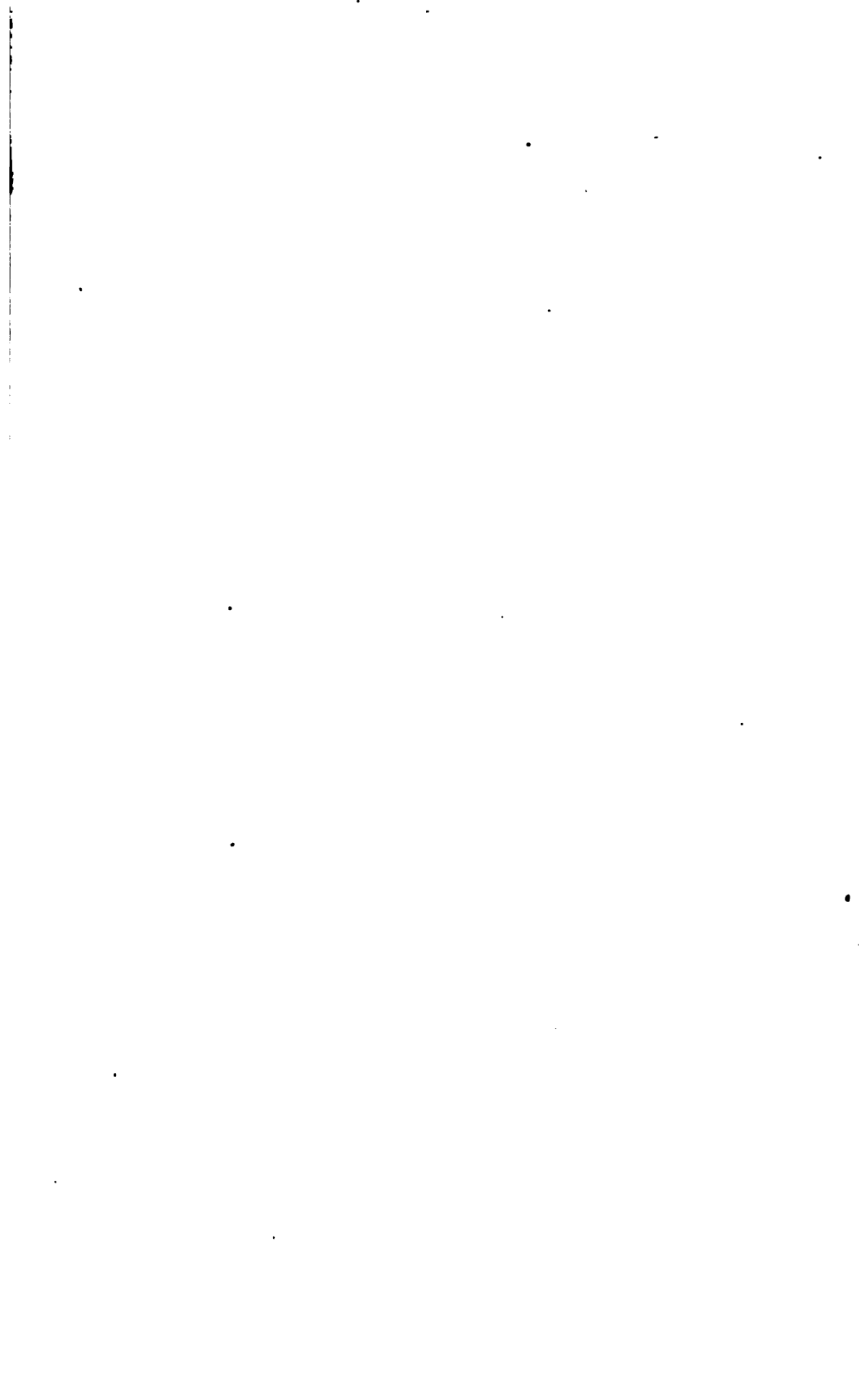
Relative to pier and bulkhead lines of the harbor of New York.

Relative to conferring brevet commissions on officers of the National Guard.

Relative to Quarantine Island, number two, in the lower bay of New York.

Authorizing Canal Board to reduce tolls on pine and hard-wood lumber.

Authorizing the Governor to appoint a commission to devise a plan for the government of cities.



GENERAL STATUTES

OF THE

STATE OF NEW YORK,

PASSED AT THE

98th SESSION, 1875.

CHAP. 4.

AN ACT to authorize plankroad and turnpike companies to reduce the number of their directors.

PASSED January 22, 1875

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any incorporated plankroad or turnpike company at any annual meeting of the stockholders, for the purpose of electing directors, by resolution to reduce the number of directors to not less than three, provided that such reduction shall not take place unless such resolution shall receive the affirmative vote of the stockholders holding and owning a majority in amount of the capital stock of the company, as shall appear by its books.

To reduce
number of
directors.

§ 2. This act shall take effect immediately.)

Ants. vol. 1, p. 536; vol. 3, p. 560.

. CHAP. 16.

AN ACT to amend section sixth of title second, chapter tenth of part third of the Revised Statutes, concerning security for the payment of costs.

PASSED February 13, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixth of title second, chapter tenth of part third of the Revised Statutes concerning security for the payment of costs is hereby amended so as to read as follows:

Notice of
justifica-
tion.

Qualifica-
tion of
sureties.

Examina-
tion.

Allowance.

§ 6. Within twenty days after such notice of exception, the plaintiff may give to the defendant, or his attorney, notice of the justification of the sureties before the judge of the court or county judge at a specified time and place; the time to be not less than five, nor more than ten days thereafter. The qualification of the sureties shall be, that each must be a resident of, and householder or freeholder in the State, and they must each be worth the sum of five hundred dollars, exclusive of property exempt from execution. For the purpose of justification, each of the sureties shall attend before the judge or justice of such court or county judge, at the time and place mentioned in the notice, and may be examined on oath on the part of the defendant, touching his sufficiency in such manner as such judge or justice in his discretion may think proper. The examination shall be reduced to writing, and subscribed by the sureties, if required by the defendant or his attorney. If such judge or justice find the sureties sufficient, he shall annex the examination to the undertaking, indorse his allowance thereon and cause them to be filed with the clerk; and such justification shall operate to discharge the stay of proceedings.

§ 2. This act shall take effect immediately.

2 R. S. 620; 2 Duer, 679. *Ante*, vol. 2, p. 645. (Repealed, L. 1880, ch. 245.) See Co. Civ. Proc., §§ 812, 8272, *et seq.*

CHAP. 19.

AN ACT to provide more effectually for the punishment of speculation and other wrongs affecting public moneys and rights of property.

PASSED February 17, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Fraud as to
public
property.

Punish-
ment.

Transfer
from de-
posit, etc.

SECTION 1. Every person who, with intent to defraud, shall wrongfully obtain, receive, convert, pay out or dispose of; or who, with like intent, by willfully paying, allowing or auditing any false or unjust claim, or in any other manner or way whatever, shall aid or abet any other in wrongfully obtaining, receiving, converting, paying out or disposing of any money, funds, credits or property held or owned by this State, or held or owned, officially or otherwise, for or on behalf of any public or governmental interest by any municipal or other public corporation, board, officer, agency or agent of any city, county, town, village or civil division, sub-division, department or portion of this State, shall, on conviction of such offense, be punished by imprisonment in a State prison for a term not less than three years or more than ten years, or by a fine not exceeding five times the loss resulting from the fraudulent act or acts which he shall have so committed, aided or abetted, to be ascertained, as hereinafter mentioned, or by both such imprisonment and fine.

§ 2. Any transfer in whole, or in part, from any deposit or credit with any bank, banker or other depository or agent, or of any credit, claim, chose in action or right, or demand, whereby the possession, right or title of any lawful receiver, custodian or repository of any such money, funds, credits or property in the last preceding section mentioned shall be defeated or impaired, shall be deemed a conversion of

such money, funds, credits or property within the meaning of such section.

§ 3. When rendering a verdict of guilty upon the trial of any person indicted under this act, the jury may find and state with their verdict the amount of loss resulting from the offense of the defendant. And if, on any such trial, it shall appear that the acts of which the defendant was guilty constitute any other crime, he shall not, by reason thereof, be entitled to an acquittal; but, after such trial and judgment on the verdict rendered, he shall not be liable to prosecution for such other crime. Verdict.

§ 4. This act shall take effect immediately.

CHAP. 22.

AN ACT to amend sections one hundred and twenty-two and one hundred and twenty-three of article six, of title one, of chapter sixteen, of part first of the Revised Statutes, in relation to the erection, repairing and preservation of bridges. Bridges.

PASSED February 19, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and twenty-two, of article six, of title one, of chapter sixteen, of part one of the Revised Statutes is hereby amended so as to read as follows: Amending
1 R. S. 525,
1 Edm. 486.

§ 122. The commissioners of highways of each town may put up and maintain in conspicuous places, at each end of any bridge, in such town maintained at public charge, the length of whose chord is not less than twenty-five feet, a notice with the following words in large characters: "One dollar fine for riding or driving on this bridge faster than a walk;" and when the length of said chord is over fifty feet, and not over one hundred feet, the following notice: "Five dollars fine for riding or driving on this bridge faster than a walk;" and when the length of said chord is over one hundred feet, and not over two hundred feet, the following notice: "Ten dollars fine for riding or driving on this bridge faster than a walk;" and when the length of said chord is over two hundred feet, the following notice: "Twenty-five dollars fine for riding or driving on this bridge faster than a walk." Notice of
fine on
public
bridge.

§ 2. Section one hundred and twenty-three of said article is hereby amended so as to read as follows:

§ 123. Whoever shall ride or drive faster than a walk on any bridge in this State, upon which such notices shall have been placed, and shall then be, shall forfeit for every offense the sum specified in said notice. Penalty.

CHAP. 24.

AN ACT to amend title seven of chapter one of part four of the Revised Statutes relative to the punishments for attempting to commit offenses.

PASSED February 20, 1875 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
2 R. S. 686,
3 Edm. 721.

SECTION 1. Subdivision one of section three of title seven of chapter one of part four of the Revised Statutes, is hereby amended so as to read as follows :

Punish-
ment for
attempt.

1. If the offense attempted to be committed, be such as is punishable by the death of the offender, or by imprisonment in a State prison during the period of his natural life, the person convicted of such attempt shall be punished by imprisonment in a State prison not exceeding ten years.

CHAP. 25.

AN ACT to reduce the term of imprisonment of convicts in the several penitentiaries of this State.

PASSED February 20, 1875 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Convicts
to be
required
to work.

Deductions from
term.

Forfeiture
of deduction.

SECTION 1. It shall be the duty of the agent and warden of each of the penitentiaries in this State to require of every able-bodied convict confined therein as many hours of faithful labor in each and every day during his term, as shall be prescribed by the rules of such penitentiary ; and every convict faithfully performing such labor and being in all respects obedient to the rules and regulations of said penitentiary, or if unable to work, yet faithful and obedient as aforesaid, shall be allowed from his term of imprisonment a deduction of two months in each of the first two years ; four months in each of the next two years ; and five months in each of the remaining years of said term ; provided, that any such convict who shall commit an assault upon his keeper or any foreman or convict, or otherwise endanger life, or by other flagrant disregard of the rules of the prison, or any misdemeanor whatever, shall forfeit all deduction of time earned by him for good conduct before the commencement of such offense ; and the name of no convict who has escaped or attempted to escape, shall be sent by the penitentiary officials to the Governor for the commutation of any part of his sentence ; but such shall not be the effect in cases where without any violence whatever, a rule or rules shall be broken by him, and it is clear that no willfulness or malice was intended.

§ 2. This act shall take effect immediately.

Laws 1863, ch. 415 ; Laws 1864, ch. 321 ; Laws 1866, ch. 667. *Ante*, vol. 5, p. 204 ; vol. 6, pp. 148, 255, 794.

CHAP. 27.

AN ACT to designate the holidays to be observed in the acceptance and payment of bills of exchange, bank checks and promissory notes.

PASSED February 28, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following days, namely: the first day of January, commonly called New Year's day; the twenty-second day of February, known as Washington's birthday; the thirtieth day of May, known as decoration day; the fourth day of July, called Independence day; the twenty-fifth day of December, known as Christmas day; any general election day; and any day appointed or recommended by the Governor of this State, or the President of the United States, as a day of Thanksgiving, or fasting and prayer, or other religious observance, shall, for all purposes whatsoever as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, made after the passage of this act, be treated and considered as the first day of the week, commonly called Sunday, and as public holidays; and all such bills, checks and notes otherwise presentable for acceptance or payment on the said days, shall be deemed to be presentable for acceptance or payment on the secular or business day next preceding such holidays.

Where
paper pre-
sentable.

§ 2. Whenever the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, or the twenty-fifth day of December, shall fall upon Sunday, the Monday next following shall be deemed a public holiday for all or any of the purposes aforesaid; provided, however, that in such case all bills of exchange, checks and promissory notes, made after the passage of this act, which would otherwise be presentable for acceptance or payment on the said Monday, shall be deemed to be presentable for acceptance or payment on the Saturday preceding.

Where
holidays
fall on
Sunday.

Ante, vol. 4, p. 458; vol. 6, p. 449; vol. 7, p. 718; vol. 9, pp. 899, 652, 627. See, also, Co. Civ. Proc., § 8348.

CHAP. 35.

AN ACT supplementary to chapter two hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defense of the union," passed March thirty, eighteen hundred and sixty-six.

PASSED February 26, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In cases where any association, mentioned in an act entitled "An act authorizing the incorporation of associations to erect

Trustees,
ex officio.

monuments to perpetuate the memory of soldiers who fell in defense of the Union," passed March thirty, eighteen hundred and sixty-six, has been formed, or shall hereafter be formed, in any city, neither the supervisors of such city, nor the justices of the peace thereof, nor any of them, shall be, ex officio, a trustee of such association after the passage of this act.

Memorial
hall.

§ 2. Any such association may erect, as the monument contemplated by said act, a memorial hall or building, and may take and hold the real estate necessary or proper for that purpose; but the net annual income thereof shall not exceed twenty-five thousand dollars.

§ 3. This act shall take effect immediately.

Ante, vol. 6, p. 713, *post*, p. 385.

CHAP. 38.

AN ACT to amend section one of chapter two hundred and sixty-one of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act entitled 'An act to enable resident aliens to hold and convey real estate, and for other purposes,' passed April thirty, eighteen hundred and forty-five," passed April twenty-seven, eighteen hundred and seventy-four.

PASSED March 3, 1875; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 261,
Laws 1874,
9 Edm. 883.

SECTION 1. Section one of chapter two hundred and sixty-one of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act entitled 'An act to enable resident aliens to hold and convey real estate, and for other purposes,'" passed April thirty, eighteen hundred and forty-five, is hereby amended so as to read as follows, to wit:

§ 1. Section four of chapter one hundred and fifteen of the laws of eighteen hundred and forty-five, entitled "An act to enable resident aliens to hold and convey real estate, and for other purposes," passed April thirty, eighteen hundred and forty-five, is hereby amended so as to read as follows, to wit:

Heirs or
devisees of
aliens to
inherit.

§ 4. If any alien resident of this State, or any naturalized or native citizen of the United States, who has purchased and taken, or hereafter shall purchase and take, a conveyance of real estate within this State, has died, or shall hereafter die, leaving persons who, according to the statutes of this State, would answer the description of heirs of such deceased person, or of devisees under his last will, and being of his blood, such persons so answering the description of heirs, or of such devisees of such deceased person, whether they are citizens or aliens, are hereby declared and made capable of taking and holding, and may take and hold, as heirs, or such devisees, of such deceased person, as if they were citizens of the United States, the lands and real estate owned and held by such deceased alien or citizen at the time of his decease. But if any of the persons so answering the description of heirs, or of such devisees, as aforesaid, of such deceased person, are males of full age, they shall not hold the real estate hereby made descendible or devisable to them as against the State unless they are citizens of the United States, or in case they are aliens, unless they make and file in the office of the Secretary of State the deposition or affirmation mentioned in the first section of this act.

Proviso as
to male
heirs or
devisees.

§ 2. This act shall take effect immediately.

Ante, vol. 9, p. 883; vol. 4, p. 300.

CHAP. 40.

AN ACT in relation to the census or enumeration of the inhabitants of this State.

PASSED March 4, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 2. Section six of the act entitled "An act in relation to the census or enumeration of the inhabitants of this State," passed March twelve, eighteen hundred and fifty-five, is hereby amended so as to read as follows: Amending
ch. 64,
Laws 1855.

§ 6. On the first day of June next, and on the first day of June in every such tenth year hereafter, every such enumerator shall proceed to enumerate, truly and accurately, the inhabitants residing in the ward, town or district for which he shall have been appointed, by making actual inquiry at every dwelling-house or of the head of every family residing therein, and to obtain the statistical information required by this act, by such convenient means as may be in his power. Census,
when to
be taken.

§ 3. This act shall take effect immediately.

Ante, vol. 8, p. 28.

CHAP. 49.

AN ACT to authorize the people of this State to bring and maintain certain actions for the recovery of public moneys and property.

PASSED March 12, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Where any money, funds, credits or property held or owned by this State, or held or owned, officially or otherwise, for or on behalf of any public or governmental interest, by any municipal or other public corporation, board, officer, custodian, agency or agent of any city, county, village or other division, subdivision, department or portion of this State, has heretofore, without right, been obtained, received, converted or disposed of, and not actually recovered back and restored, prior to the passage of this act, unto the proper and lawful official receiver, depository or custodian thereof, either in specie or by full and lawful compensation for the same duly made, or where any such money, funds, credits or property shall be hereafter, without right, obtained, received, converted or disposed of, the people of this State have, in every such case, and shall have, a right of action for the same, and for any damages or other compensation due, recoverable, or that might be had on account or by reason of such obtaining, receipt, conversion or disposition, notwithstanding a right of action may exist by law for the same cause in some public authority other than the State, and although an action therefor may be pending. The people of this State, in their own corporate name or otherwise as shall be Action to
recover
public
money or
property
heretofore
or here-
after dis-
posed of.

Actions in
other
States.

Public money and property, and right of action therefor, to vest in the people.

When action may be commenced.

Stay of other actions.

Bringing in parties.

Judgment a bar.

Court may dispose of proceeds of recovery.

Court may restore money or property to rightful owner.

allowable, may commence and prosecute suits, actions and judicial proceedings in the courts and tribunals of other States, Territories and districts of the United States and of foreign countries, for any of the wrongs or causes aforesaid; and, on the commencement of any such suit, action or judicial proceeding, all the money, funds, credits and property, the obtaining-receipt, conversion or disposition whereof may be therein complained of, together with all right, title and interest in the same, and all suits and actions, and cause and causes, right and rights of suit and action for or concerning the same, and for any damages or other compensation due, recoverable, or that might be had on account or by reason of the obtaining, receipt, conversion or disposition of the same, and all claims and demands for such damages and compensation, if not so previously vested, shall then forthwith be vested in the people of the State of New York, and are, by force of such suit, action or judicial proceeding, and of this act, transferred to and vested in the people of this State. Any action by the people of this State brought as prescribed in this section, may be commenced at any time within ten years after the cause of action shall accrue, and the time during which the defendant shall be absent from this State shall not be deemed a part of the time so limited for the commencement of the action.

§ 2. Where an action has been heretofore brought or may hereafter be brought, by or on behalf of the people for any of the causes mentioned in the first section of this act, the court in which such action is pending, if it be a court of this State, may, on the motion of any party thereto, stay any other action which may have been, or may be brought for the same cause, by or on behalf of any public authority other than the State, whether or not such authority be a party to the action brought by or on behalf of the State, and may vacate any interlocutory order in the action so stayed; and the said court, if it be a court of this State, may likewise order to be brought in, as a party to the action by or on behalf of the State, any party to an action brought for the same cause by or on behalf of such other public authority; and a final judgment in the action by or on behalf of the State shall be a bar to any action for the same cause by or on behalf of any other public authority.

§ 3. Any court of this State having jurisdiction of any action by or on behalf of the State in the first and second sections of this act mentioned may, where any money, funds, credits, property, damages or compensation in this act mentioned or referred to, would not, if this act had not passed, have been recoverable by the State, make such order and judgment as may be just and equitable for the disposition of the proceeds of any recovery in such action, so as to reinstate the lawful custody which was disturbed or impeded by the wrong complained of, or to cause application of such proceeds to be made to the objects and purposes for which such money, funds, credits or property was authorized to be raised or procured, after reimbursing the State treasury out of such proceeds for all the expenses which may have been incurred by the State in the premises. On a petition filed against the Attorney-General by any corporation, board, officer, agency or agent, for or on behalf of any city, county, town, village, division, subdivision, department or portion of the State, in the first section of this act mentioned, which shall not have been a party to the action prosecuted in a court of this State, by or on behalf of the State, but which shall claim to be lawfully entitled to the custody or disposition of the said money, funds, credits or property, the Supreme Court, at any special term thereof

held in the county of Albany, on a summary application, made after the recovery and actual receipt, by the people or into the State treasury, of any money, funds, credits, property, damages or compensation as aforesaid, may make such order as may be just and equitable for the disposition thereof, so as to reinstate the lawful custody which was disturbed or impeded by the wrong complained of. This section shall apply to actions now pending.

§ 4. The Attorney-General on his own motion, wherever he shall deem the same necessary or expedient for enforcing the interests, rights or remedies of the people of this State, may, and upon the written request of the Governor, he shall, institute and prosecute any action or special proceeding in the cases mentioned in this act.

Attorney-General to prosecute actions.

§ 5. [Repealed by Laws 1877, ch. 417, sub. 49, § 1.]

§ 6. No act or part of any act, which is inconsistent with the provisions of this act, shall be of any effect to prevent the full operation of this act.

§ 7. This act shall take effect immediately.

Prior to this act the State could not maintain an action for moneys of a municipal corporation fraudulently appropriated. *People v. Ingersoll*, 58 N. Y. 1.

Seems that the legislature has the power to confer such right of action and that the foregoing chapter is constitutional. *People v. Tweed*, 63 N. Y. 202.

As to pleadings and bill of particulars under the above act, see *People v. Tweed*. 63 N. Y. 194. See, also, 73 N. Y. 553, and 10 J. & S. 335.

This chapter repealed by L. 1880, chap. 245. For similar provisions, see Co. Civ. Proc., § 730, and §§ 1909 to 1976.

CHAP. 50.

AN ACT in relation to the reduction of the capital stock of banks, banking associations, individual bankers, and other moneyed corporations, and for other purposes.

PASSED March 20, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any banking association, now or hereafter organized under the general banking laws of this State, or any other moneyed corporation required to report to the Banking Department, by chapter three hundred and twenty-four, laws of eighteen hundred and seventy-four, whose capital stock is unimpaired, to reduce its capital stock to an amount not less than one hundred thousand dollars; except in places where such banking associations are authorized to organize with a capital of fifty thousand dollars, and in such places the capital stock shall not be so reduced below the said sum of fifty thousand dollars.

Banking associations, etc., may reduce capital stock.

§ 2. Whenever a banking association or corporation shall propose to reduce its capital stock according to the first section of this act, due notice thereof shall be given to the Superintendent of the Banking Department, in writing, signed by a majority of its board of directors, and accompanied by the written assent to such reduction of at least two-thirds in amount of the shareholders of such association or corporation. It shall be the duty of the Superintendent upon the filing of such notice, and within a reasonable time thereafter, to make, or cause to be made, an examination of its books, property, effects and liabilities, concerning which the officers thereof may be examined on oath. From the result of such examination, the said Superintendent shall determine and certify the reduced amount of capital stock of such banking association or corporation.

How reduced.

Notice to Superintendent of Banking Department. Superintendent to make examination and determine and certify reduction.

Expense of the examination, how paid.

§ 3. The expense of the examination herein provided for by the Superintendent of the Banking Department, or caused to be made by him, shall be paid by the banking association or corporation for whose benefit the application shall be made.

Determination and certificate of Superintendent to be recorded and published.

§ 4. The determination and certificate in writing, made by the said Superintendent, of the amount to which the capital stock has been reduced under this act, shall be recorded in the office of the clerk of the county in which such banking association or corporation shall be located, and a certified copy thereof filed in the Bank Department of the State of New York; and the same shall be published by the said Superintendent once a week for six weeks successively, in the State paper, and at least one newspaper in the county where such association or corporation shall be located, at the expense of the banking association or corporation applying for such reduction of its capital stock.

Liability of stockholders not to be impaired.

§ 5. Nothing in this act contained shall in any way change or lessen the liability of the stockholders of any banking association or corporation reducing its capital stock under its provisions, to the billholders or other creditors thereof, or any indebtedness or engagement, now existing, or that may so exist, either absolutely or contingently, against such association or corporation prior to, or at the time when such reduction shall take place, or by which the rights, remedies or security of the then existing creditors, shall be weakened or impaired.

Amending § 9, ch. 164, Laws 1851, 4 Edm. 170.

§ 6. Section nine of the act entitled "An act to organize a Bank Department," passed April twelve, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

Superintendent to fix day for reports.

§ 9. It shall be the duty of the Superintendent of the Bank Department to fix upon and determine a day in respect to which the reports of incorporated banks, banking associations and individual bankers shall be made, as provided in chapter four hundred and nineteen of the session laws of one thousand eight hundred and forty-seven; and the said Superintendent shall, at least once in each quarter of a year, fix and designate some Saturday in such quarter in respect to which the said reports shall be made, and shall give notice thereof in the manner prescribed in the said chapter four hundred and nineteen; and the said reports shall be made to the said Superintendent as directed in the said chapter, and all willful false swearing in respect to such reports shall be deemed perjury and subject to the punishment prescribed by law for that offense. In case of neglect to make such report within five days from the mailing of the notice designating said day upon which such report shall be made, it shall be the duty of the Superintendent to cause the books, papers and affairs of the bank, association or banker so neglecting, to be examined as directed by the third section of said chapter four hundred and nineteen; and the reasonable expenses of such examination, to be certified by the said Superintendent, shall be charged to the bank, association or banker so neglecting, and shall be collected in the manner herein prescribed in respect to other charges against them; and it shall also be the duty of the Superintendent, in case of the failure or neglect of any bank, banking association or individual banker to make said report within the time above mentioned, to prosecute the same in any court of record and recover the sum of one hundred dollars for such neglect or refusal; and the money so recovered shall be paid into the treasury of this State, to be used for the purpose of defraying the miscellaneous expenses of the Bank Department.

§ 7. This act shall take effect immediately.

In *Seeley v. New York Exchange National Bank*, 1 Thomp. Nat. Bank Cases, 804, it was held by VAN HOESSEN, J., in the New York court of common pleas, that where a National Bank reduces its capital stock it cannot retain as a surplus fund or for other purposes the whole or any part of the money which it receives for the stock which it retires.—In the course of the opinion VAN HOESSEN, J., said :

"If the defendant had determined to discontinue business and wind up its affairs, there is no doubt that the shareholders would be entitled to a distribution of whatever assets of the corporation might remain after its debts had been paid. If, instead of surrendering all its corporate powers, a corporation, by reducing its capital, relinquishes a portion of them, it seems to me that the shareholders may properly claim a distribution of the money which the corporate body has no longer the right to use as capital.

"The abandonment by a corporation of all its corporate rights gives the stockholders a right to the distribution of all the net assets; why should not an abandonment of a portion of those rights give the stockholders a right of distribution *pro tanto*? Of course, if the capital stock has been impaired, the amount to be returned to the stockholders must be diminished.

"The bank has gone out of existence as a corporation with a capital of \$500,000. Under a modified charter it commences a new life with a capital of \$300,000. So far as the \$200,000 of reduced stock is concerned, the corporation must be considered as having surrendered its charter and wound up its business. This being so there is no doubt of the duty it owes to the stockholders who own the retired stock." This reasoning and case are equally applicable to State banks.

The reduction will not have been effected until the Superintendent of the Bank Department shall have duly certified to the reduction. See *Charleston v. People's Nat. Bank*, 1 Thomp. Nat. Bank Cases, 898.

If the proper officers of a bank fail to make a report as required by law, whereby the bank has been subjected to a fine or otherwise injured, it is a breach of duty for which they and the sureties on their bond are liable. *Bank of Washington v. Barrington*, 2 Penn. 27.

See L. 1859, chap. 277, *ante*, vol. 4, p. 190, and *post*, p. 713.

CHAP. 55.

AN ACT to prohibit fishing near any fishway established by the State.

PASSED March 20, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of fisheries of this State, are hereby required and directed to erect and maintain at a distance of eighty rods from any fishway established or constructed by the State, in any stream or water-course within its boundaries, signboards, on which shall be plainly painted or inscribed the words following, to wit: "Eighty rods to the fishway. All persons are by law prohibited from fishing in this stream between this point and the fishway," said signboards to be erected on both sides of the stream, above and below the fishway.

Commissioners of fisheries to erect signboards.

§ 2. No person shall catch or attempt to catch fish with any device whatever, within a distance of eighty rods from any fishway established or constructed by the State, in any stream or water-course within its boundaries.

Fishing near fishway prohibited.

Punish-
ment.

§ 3. Any person violating the provisions of the second section of this act shall be deemed guilty of a misdemeanor, and shall be liable, upon conviction thereof, to a fine not to exceed twenty-five dollars for every offense, or be subject to not more than ten days imprisonment in the county jail; said fine to be recovered before any justice of the peace of the county wherein the offense may be committed, who shall issue his warrant for the arrest of the offender upon the complaint of any person duly verified.

Fine, how
disposed
of.

§ 4. Any fine collected by virtue of the provisions of this act shall be paid to the overseer of the poor of the town in which the offense was committed to be applied by said overseer to the credit of the poor fund of said town.

This act superseded by L. 1879, chap. 534, §§ 29 and 30; *post*, p. 827.

CHAP. 56.

AN ACT further to amend chapter three hundred and forty-eight of the laws of eighteen hundred and sixty, entitled "An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors."

PASSED March 20, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
§ 3, ch. 348,
Laws 1860,
4 Edm. 454.

SECTION 1. Section three of chapter three hundred and forty-eight of the laws of eighteen hundred and sixty, is hereby amended so as to read as follows:

Bond of
assignee.

§ 3. The assignee or assignees named in any such assignment, shall, within ten days after the delivery to the county judge of the inventory or schedule above specified (and before he shall have power or authority to sell, dispose of, or convert, to the purposes of the trust, any of the assigned property), enter into a bond to the People of the State of New York, in an amount to be ordered and directed by the county judge of the county where such debtor or debtors resided at the date of such assignment, with sufficient sureties to be approved of by such judge, and conditioned for the faithful discharge of the duties of such assignee or assignees, and for the due accounting for all moneys received by such assignee or assignees, which bond shall be filed in the county clerk's office, where the assignment is recorded.

§ 2. Section four of said chapter is hereby amended so as to read as follows:

Account-
ing by
assignee.

§ 4. After the lapse of one year from the date of such assignment, the county judge of the county where such inventory is filed, shall, upon the petition of any creditor of such debtor or debtors, have power to issue a citation or summons compelling such assignee or assignees to appear before him and show cause why an account of the trust fund created by any such assignment shall not be made, and to decree payment of such creditors' just proportional part of such fund; and such county judge shall also have the same power and jurisdiction to compel such accounting as is now possessed by surrogates in relation to the estates of deceased persons; and also power to examine the parties to such assignment, and other persons on oath, in relation to such assignment, and accounting and all matters connecting therewith, and to

compel their attendance for that purpose; and the parties interested in such accounting, shall have the same rights to appeal from any order or decree of such judge in the premises, as is now given from the decrees of surrogates in relation to the accounts of executors and administrators, and such judge shall have the power to refer the said accounting to a referee or auditor, to be appointed by him for that purpose, to take and state such account; and such referee shall have the same power to take the examination of any witnesses produced before him, and to compel their attendance and examination, as a referee appointed by the Supreme Court to try and determine an action therein.

§ 3. This act shall take effect immediately.

This act supersedes other amending acts, for which see *ante*, vol. 7, pp. 194 and 654; vol. 9, p. 490. The Law of 1860 and this act were repealed by the "General Assignment Act of 1877," *post*, p. 468.

CHAP. 58.

AN ACT to permit companies or corporations incorporated or formed under or pursuant to the provisions of chapter two hundred and thirty-two, of the laws of eighteen hundred and fifty-four, entitled "An act for the incorporation of companies formed to navigate the lakes and rivers," passed April fifteenth, eighteen hundred and fifty-four, to extend the term of their corporate existence.

PASSED March 20, 1875

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any corporation or company which has been incorporated or formed under or pursuant to the provisions of chapter two hundred and thirty-two, of the laws of eighteen hundred and fifty-four, entitled "An act for the incorporation of companies formed to navigate the lakes and rivers," passed April fifteenth, eighteen hundred and fifty-four, may extend the term of its corporate existence, as follows: Whenever any such company or corporation shall desire to call a meeting of the stockholders for the purpose of extending the term of its corporate existence, it shall be the duty of the directors to publish a notice, subscribed by at least a majority of them, at least thirty days previous to the day fixed upon for holding such meeting, in a newspaper published in the city or town in which the principal office for the management of the affairs of such company or corporation shall be situated, and, if there be no newspaper published in such town or city, then in a newspaper the principal office of the publication of which is in a city or town in the State of New York nearest to such principal office of such company or corporation, specifying the object of such meeting, and the time and place, when and where such meeting will be held. If, at the time and place specified in the notice above provided for, stockholders shall appear in person or by proxy, in numbers representing not less than two-thirds of all the shares of stock of the company or corporation, they shall organize by choosing one of the directors of the corporation or company chairman of the meeting, and one of the stockholders secretary, and proceed to a vote of those present, in person or by proxy, and if, on canvassing the votes, it shall appear that a sufficient number of votes has been given in favor of extending the term of the corporate existence of the company or corporation for a certain time, the term of the corporate existence of

Term of
corporate
existence
how
extended

such company or corporation shall be extended accordingly, and it shall continue to be a corporation during such time. No such term shall, however, be extended for a time longer than fifty years from and after the day of such meeting. A vote of at least two-thirds of all the shares of stock of the corporation or company shall be necessary to extend the term of the existence of the corporation or company. A certificate stating the proceedings of such meeting shall be made out and verified by the affidavit of the chairman, and signed by the chairman, and countersigned by the secretary, in duplicate, one of which shall be filed in the office of the Secretary of State, and one in the office of the clerk of the county in which the principal office aforesaid shall be situated. A copy of such certificate, certified by the county clerk of the county in whose office the same shall be filed as aforesaid, under his official seal, to be a true copy of, and of the whole of such certificate, shall be received in all courts and places as legal evidence of the due extension of such corporate term, and of the matters therein stated.

§ 2. This act shall take effect immediately.

Ante, vol. 3, p. 821 *et seq.*; vol. 6, p. 576; *post*, p. 650.

CHAP. 60.

AN ACT to amend chapter six hundred and ninety-four of the laws of eighteen hundred and sixty-five, entitled "An act in relation to the deposit required to be made, and the taxes, fines, fees and other charges payable by insurance companies of sister States," passed May eleven, eighteen hundred and sixty-five.

PASSED March 20, 1875; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 694,
Laws 1865,
6 Edm. 578.

SECTION 1. Section one of chapter six hundred and ninety-four of the laws of eighteen hundred and sixty-five, entitled "An act in relation to the deposit required to be made, and the taxes, fines, fees and other charges payable by insurance companies of sister States," passed May eleven, eighteen hundred and sixty-five, is hereby amended, so as to read as follows:

§ 1. Whenever the existing or future laws of any other State of the United States shall require of insurance companies, incorporated by or organized under the laws of this State, and having agencies in such other States, or of the agents thereof, any deposit of securities in such State for the protection of policy-holders, or otherwise, or any payment for taxes, fines, penalties, certificates of authority, license fees, or otherwise, greater than the amount required for such purposes from similar companies of other States by the then existing laws of this State, then, and in every such case, all companies of such States establishing, or having heretofore established an agency or agencies in the State, shall be and are hereby required to make the same deposit for a like purpose in the Insurance Department of the State, and to pay the Superintendent of said Department for taxes, fines, penalties, certificates of authority, license fees and otherwise, an amount equal to the amount of such charges and payments imposed by the laws of such State upon the companies of this State and the agents thereof. And the Superintendent of the Insurance Department is hereby authorized to remit

any of the fees and charges which he is required to collect by existing laws, except such as he is required to collect under and by virtue of this act, provided, however, that no discrimination shall be made in favor of one company over any other from the same State.

§ 2. This act shall take effect immediately.

Restrictions upon insurance companies of other States doing business in this State are constitutional. *Fire Dept. v. Noble*, 3 E. D. Smith, 440; *People v. Inlay*, 20 Barb. 68. But the contract or agreement of a foreign insurance company made in pursuance of the requirements of the Statutes of the State, that it will not remove any actions against it into the United States Circuit Court is void and such action may be removed. *Int. Co. v. Morse*, 20 Wall. 445. But if the company does so remove a cause the State may revoke its license for it to do business therein. *State v. Doyle*, 40 Wis. 175; S. C., 22 Am. Rep. 682.

When foreign insurance companies are required to do some act as a condition of doing business in a State, failure to do such act will not avoid its contracts. *Huntley v. Merrill*, 32 Barb. 626; *Cincinnati Co. v. Rosenthal*, 8 Am. Rep. 626; S. C., 55 Ill. 85; *Thorne v. Travellers' Ins. Co.*, 21 Am. Rep. 89; S. C., 80 Penn. St. 15; *Columbus v. Walsh*, 18 Mo. 220; *Hartford Life Stock Co. v. Matthews*, 102 Mass. 221; *Union Mut. Ins. Co. v. McMullen*, 24 Ohio St. 67; *Clay F. Ins. Co. v. Hurm*, 81 Mich. 346; *Hyde v. Goodnow*, 8 N. Y. 236. But if the statute is absolutely prohibitory, the contracts are not enforceable by either party. *Rising Sun Ins. Co. v. Slaughter*, 20 Ind. 590; *Franklin Ins. Co. v. Packet Co.*, 9 Bush, 590; *Thorne v. Travellers' Ins. Co.*, 21 Am. Rep. 89.

CHAP. 79.

AN ACT supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies."

PASSED March 29, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Trustees elected under the provisions of section three of chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies," shall hold their offices during the term for which they were elected, and until their successors are chosen.

§ 2. Whenever a trustee elected under the provisions of said section three of the above-mentioned act ceases to be a member of the church, congregation or society, by removal or otherwise, or ceases to steadily attend upon and support its services, he shall at the same time, and for such cause, cease to be a trustee, and his place shall be declared vacant by a notice of the board of trustees to the church, congregation or society, and said church, congregation or society, shall proceed to fill the vacancy, as provided for in the above-mentioned act.

§ 3. Any corporation organized in accordance with the provisions of said section three of the above-mentioned act, may take and receive by bequest or devise any real or personal estate, the net annual income of which shall not exceed twelve thousand dollars, subject, however, to the provisions of chapter three hundred and sixty of the laws of eighteen hundred and sixty, entitled "An act relating to wills."

§ 4. The trustees of any church, congregation or religious society, incorporated under said section three of the above-mentioned act, shall administer the temporalities thereof, and hold and apply the estate and property belonging thereto, and the revenues of the same, for the benefit of such corporation, according to the discipline, rules and usages of the denomination to which the church members of the corporation belong; and it shall not be lawful for the trustees to divert

such estate, property, or revenues to any other purpose except toward the support and maintenance of any religious, benevolent, or other institution connected with such church, congregation or religious society.

Pew rent.

§ 5. Each and every of the corporations aforesaid may receive, use and apply all rents or income derived from pews, in addition to the annual income limited by the aforesaid act, or any amendment thereof.

Jurisdiction of courts of equity.

§ 6. The jurisdiction of courts of equity in this State is hereby extended over such corporations, so far as may be necessary to enforce the provisions of this act.

Account and inventory.

§ 7. No religious corporation shall be deemed to be dissolved for any neglect hitherto to exhibit an account or inventory of which real and personal estate and the annual income thereof, provided that such account or inventory shall be exhibited within three years from the passage of this act.

§ 8. This act shall take effect immediately.

Ante, vol. 3, p. 687; sec. 1 amended by L. 1879, *post*, p. 800. For amendment to sec. 8, see *post*, p. 150. For act of 1860, see vol. 4, *ante*, p. 504.

CHAP. 87.

AN ACT providing for the appointment of additional notaries public.

PASSED April 1, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor is hereby authorized and empowered by and with the consent of the Senate, to appoint in each county, except the city and county of New York, notaries public equal to ten for each Assembly district, and in said city and county two hundred and fifty notaries public, in addition to the number now allowed by law; provided, however, that in each county, which is a single Assembly district, the additional number of notaries public be fifteen. And hereafter at the time of subscribing or filing the oath of office, the county clerk of each county, and the clerk of the city and county of New York shall collect from the person appointed the sum of fifty cents, and the said clerks respectively shall annually account therefor to the State Treasurer.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

As to number of Notaries "now allowed by law," see *ante*, vol. 6, pp. 169 and 226; vol. 7, pp. 102, 312, 438 and 769; vol. 9, p. 859. See also *post*, p. 285. The above act was amended in 1879, *post*, p. 742.

CHAP. 88.**AN ACT in relation to mortgages made by manufacturing companies.**

PASSED April 1, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases where a corporation has heretofore executed a mortgage upon any of its real estate, and the written consent of persons owning two-thirds or more of the capital stock of such corporation shall have been given to the mortgaging of such real estate, at or before the time of the giving of such mortgage, but from accident or mistake the said consent has not been filed in the office of the clerk of the county in which such real estate is situated, as required by law, it shall be lawful for the clerk of such county to receive and file in his office the written consent so given, accompanied by the affidavit of any officer or stockholder of such corporation showing that such consent was in fact made and signed, at the time the same purports to have been made and signed, and that the signatures thereto are genuine, and in such case on filing such consent and affidavit, the said mortgage shall have the like validity and effect from and as of the time of the filing of such consent and affidavit as if the same had been given at that time and had been accompanied or preceded by the filing of such consent; provided that nothing herein contained shall affect any action or legal proceeding now pending, or impair any intermediate right acquired by lien or otherwise in or to the property of the corporation affected by such mortgage.

Filing consent of stockholders same *pro tunc*.

§ 2. This act shall take effect immediately.

Ante, vol. 3, p. 732; vol. 6, p. 300; vol. 7, p. 467.

CHAP. 91.

AN ACT empowering the Commissioners, appointed to investigate the affairs of the canals of the State in pursuance of a joint resolution of the Senate and Assembly of eighteen hundred and seventy-five, to compel the attendance of witnesses, and fixing the compensation of such commissioners.

PASSED April 2, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Either of the Commissioners appointed, or who may hereafter be appointed to investigate the affairs of the canals of the State in pursuance of a joint resolution of the Senate and Assembly of eighteen hundred and seventy-five, shall have power to issue subpoenas requiring the attendance of witnesses and the production of books and

May subpoena witnesses.

Service of subpoena.

Disobedience to.

Perjury.

Compensation of commissioners.

May employ experts.

papers before such commission. Such subpoenas may be served within this State by any person, and must be served by any sheriff or constable when thereunto required. In case of the failure of any witness so subpoenaed to obey such subpoena, the Commissioners, or a majority of them, shall have power to issue an attachment to the sheriff of any county, requiring him to attach the body of such witness and bring him before such commission, and the like proceedings shall thereupon be had as if such commission was a court of record and such witness had been duly subpoenaed to attend before it. False swearing before such commission shall be deemed to be perjury.

§ 2. Each of such Commissioners shall receive a compensation of twenty dollars for each day actually employed in the business of such commission, to be audited by the Comptroller and paid out of the State treasury.

§ 3. Such Commissioners shall have power to employ such experts, agents and other assistants as they shall deem necessary.

§ 4. This act shall take effect immediately.

5 Hun, 626.

CHAP. 97.

AN ACT providing for the forfeiture of property in certain cases.

PASSED April 12, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Seizure of property used in fights among animals.

SECTION 1. Any officer authorized by law to make arrests may lawfully take possession of any animals, or implements, or other property used or employed, or about to be used or employed, in the violation of any provision of law relating to fights among animals. He shall state to the person in charge thereof, at the time of such taking, his name and residence, and also the time and place at which the application hereinafter provided for will be made.

Application to magistrate for order. Amended by ch. 243, Laws 1875, post, p. 101.

§ 2. The officer, after taking possession of such animals, or implements, or other property, pursuant to the preceding section, shall apply to the magistrate before whom complaint is made against the offender violating such provision of law, for the order next hereinafter mentioned, and shall make and file an affidavit with such magistrate, stating therein the name of the offender charged in such complaint, the time, place and description of the animals, implements or other property so taken, together with the name of the party who claims the same, if known, and that the affiant has reason to believe and does believe that the same were used or employed, or were about to be used or employed, in such violation, and the grounds of such belief, and will establish the truth thereof upon the trial of such offender. He shall then deliver such animals, implements, or other property, to such magistrate, who shall thereupon, by order in writing, place the same in the custody of an officer or other proper person in such order named and designated, to be by him kept until the trial or final discharge of the offender, and shall send a copy of such order, without delay, to

Order by magistrate.

the district attorney of the county. The officer or person so named and designated in such order shall immediately thereupon assume such custody, and shall retain the same for the purpose of evidence upon such trial, subject to the order of the court before which such offender may be required to appear, until his final discharge or conviction upon the conviction of such offense. *The animals, implements or other property, shall be adjudged by the court to be forfeited.** In the event of the acquittal or final discharge, without conviction, of such offender, such court shall, on demand, direct the delivery of the property so held in custody to the owner thereof.

§ 3. This act shall take effect immediately.

CHAP. 105.

AN ACT to amend an act entitled "An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein," passed June eighteen, eighteen hundred and seventy-three.

PASSED April 12, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein," passed June eighteen, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Amending
ch. 807,
Laws 1873.

Any notary public now or hereafter appointed for the county of Kings, Queens, Richmond, Westchester or Rockland, or for the city and county of New York, upon filing or having filed a certified copy of his appointment, with his autograph signature, in the clerk's office of any other of said counties, is hereby authorized to exercise all the functions of his office in such other of said counties, with the same effect as he now possesses by law in the county for which he is or shall be appointed, and as though appointed for such other of said counties.

Notaries
may per-
form
duties in
other
counties
named.

§ 2. The acts of all notaries public who have complied with the conditions of said act hereby amended since the same went into effect, although not then appointed, are hereby ratified and confirmed; but nothing herein contained shall affect any suit or proceeding now pending in any of the courts of this State.

Past acts
ratified.

§ 3. This act shall take effect immediately.

Section 1 of this act is superseded by ch. 458, *post*, p. 152.

* So in the original.

CHAP. 107.**AN ACT in relation to the treatment of animals.**

PASSED April 13, 1875; three-fifths being present. Without the approval of the Governor, pursuant to provision of section nine of article four of the Constitution.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Shooting
of pigeons
not pro-
hibited.

SECTION 1. None of the provisions of law heretofore enacted for the prevention of cruelty to animals, within this State, shall be construed to prohibit or interfere with the shooting, by members of sportsmens' clubs or incorporated societies, of pigeons, provided that, in each case, as soon as they can be captured or taken, after being shot, such pigeons, if living, shall immediately be killed.

§ 2. This act shall take effect immediately.

CHAP. 108.**AN ACT in relation to railroad corporations.**

PASSED April 15, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Consolida-
tion of
continu-
ous lines.

SECTION 1. In any case where two or more railroad companies shall have been, or shall hereafter be, organized under the general laws of this state, the whole of whose lines, as located by them respectively, shall form one continuous and connecting line of road, the said companies may consolidate their lines of road, stock, franchises and property according to the existing laws of this State relating to the consolidation of railroad companies; and any such consolidated company may thereupon construct or finish the construction of such continuous line of railroad and operate the same, subject to all provisions of law applicable to railroad corporations, organized under the said general laws, so far as not inconsistent with this act; but this act shall not in any manner affect the existing laws regulating the rate of fare on any railroad.

§ 2. This act shall take effect immediately.

Ante, vol. 7, p. 529. See note to chap. 256, Laws 1875, *post*, p. 102.

CHAP. 113.

AN ACT to extend the operation and effect of the act passed February seventeenth, eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes."

PASSED April 17, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any three or more persons may organize and form themselves into a corporation in the manner specified and required in and by the act entitled "An act to authorize the formation of corporations for manufacturing, mining and mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, for the storage, conveyance and transportation of petroleum and other oils, so that under said act and the acts amendatory thereof it shall be lawful to form companies for carrying on the business of storing, conveying and transporting petroleum and other oils, and of doing all things necessary and proper therefor, subject to such laws or regulations as are now or may hereafter be in force in the several cities of this State where such business may be conducted relating to the storage and safe-keeping of petroleum and other oils. Oil companies.

§ 2. Every corporation so formed shall be subject to all the provisions, duties and obligations contained in the above-mentioned act, and shall be entitled to all the benefits and privileges thereby conferred.

§ 3. This act shall take effect immediately.

Sec ante, vol. 8, p. 788, and note to ch. 290, L. 1879, *post*, p. 758.

CHAP. 119.

AN ACT to amend chapter one hundred and forty-six of the laws of eighteen hundred and seventy-two, entitled "An act to authorize corporations to hold and convey real estate for business purposes in other States, with the consent thereof."

PASSED April 17, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and forty-six of the laws of eighteen hundred and seventy-two, entitled "An act to authorize corporations to hold and convey real estate for business purposes in other States, with the consent thereof," is hereby amended so as to read as follows: Amending
ch. 146,
Laws 1872,
§ Edm. 388

Corporations may hold real estate and stocks in other States.

§ 1. It shall be lawful for any corporation organized under the laws of this State and transacting business in several States or foreign countries, to acquire, hold and convey in such States or countries, with the consent thereof, such real estate as shall be requisite for such corporation in the convenient transaction of its business, or to purchase, hold, own and dispose of any stock in other corporations owning such real estate situated in such States or foreign countries in conformity to the laws thereof; but the authority herein granted shall not be construed to authorize any corporation organized under the laws, existing or doing business in this State, to purchase, hold, own or convey any other stocks than such as may be or may have been based upon or represent real estate, the possession of which shall be required in the transaction of its legitimate and ordinary businesses.

§ 2. This act shall take effect immediately.

CHAP. 120.

AN ACT to amend chapter thirty-seven of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of gas-light companies."

PASSED April 17, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 37,
Laws 1848,
§ Edm. 849

SECTION 1. Section twenty of chapter thirty-seven of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of gas-light companies," is hereby amended so as to read as follows:

May in-
crease or
diminish
capital
stock.

§ 20. Any company which may be formed under this act may increase or diminish its capital stock, by complying with the provisions of this act, to any amount which may be deemed sufficient and proper for purposes of the corporation. But before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital; and any company formed under any special act, may come under and avail itself of the privileges and provisions of this act, by complying with the following provisions; and thereupon such company, its officers and stockholders, shall be subject to all the restrictions, duties and liabilities of this act.

Companies
formed
under spe-
cial acts.

§ 2. This act shall take effect immediately.

CHAP. 130.

AN ACT for the incorporation of societies for the prevention of cruelty to children.

PASSED April 21, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any five or more persons of full age, a majority of whom shall be citizens of, and residents within, this State, who shall desire to associate themselves together, for the purpose of preventing cruelty to children, may make, sign and acknowledge, before any person authorized to take the acknowledgment of deeds in this State, and file in the office of the Secretary of State, and also in the office of the clerk of the county, in which the business of the society is to be conducted, a certificate in writing, in which shall be stated the name or title by which such society shall be known in law, the particular business and objects of such society, the number of trustees, directors or managers to manage the same, and the names of the trustees, directors or managers of the society, for the first year of its existence; but such certificate shall not be filed, unless the written consent and approbation of one of the justices of the supreme court of the district in which the place of business or principal office of such society shall be located, be indorsed on such certificate.

Society for the prevention of cruelty to children, how formed.

§ 2. Upon filing the certificate as aforesaid, the persons who shall have signed and acknowledged such certificate, and their associates and successors shall thereupon by virtue of this act, be a body politic and corporate, by the name stated in such certificate, and as such shall have power,

Powers of the society.

1. To have perpetual succession by its corporate name.
2. To sue and be sued, complain and defend, in any court of law or equity.
3. To make and use a common seal, which may be affixed by making an impression directly on the paper, and alter the same at pleasure.
4. To appoint such officers, managers and agents as the business of the corporation may require.
5. To make by-laws not inconsistent with the laws of this State or of the United States, for the management of its property and the regulation of its affairs.
6. To contract and be contracted with.
7. To take and hold by gift, purchase, grant, devise or bequest any property, real or personal, and the same to dispose of at pleasure. But such corporation shall not, in its corporate capacity, hold real estate, the yearly income derived from which shall exceed the sum of fifty thousand dollars.

8. To exercise any corporate powers necessary to the exercise of the powers above enumerated and given.

§ 3. Any society so incorporated may prefer a complaint before any court or magistrate having jurisdiction for the violation of any law relating to or affecting children, and may aid in bringing the facts before such court or magistrate in any proceeding taken.

May aid in protecting children.

§ 4. All magistrates, constables, sheriffs and officers of police shall, as occasion may require, aid the society so incorporated, its officers, members and agents in the enforcement of all laws which now are or may hereafter be enacted, relating to or affecting children.

Magistrates and peace officers to aid society.

Limita-
tion.

§ 5. The provisions of this act shall not extend or apply to any association or individuals, who shall, in the certificate filed as hereinabove provided, use or specify a name or style the same or substantially the same as that of any previously existing incorporated society in this State.

§ 6. This act shall take effect immediately.

See chapter 122, Laws 1876, chapter 428, Laws 1877, chapters 384 and 404, Laws 1878, post. Under section 3, of ch. 122, of the Laws of 1876, authorizing any court or magistrate to commit to an asylum, etc., any child engaged or used in violation of the act, the recorder of a city has power to commit such child to the care of the New York Society for the Prevention of Cruelty to Children above authorized. *Matter of Donohue*, 1 Abb. New Case, 1.

In that case three boys below the age of fifteen years were brought before the recorder of Poughkeepsie on a charge made by the New York Society for the Prevention of Cruelty to Children, of being employed as gymnasts and acrobats in a circus and their masters or employers were arrested charged with exhibiting, using and employing these boys as gymnasts and acrobats. The recorder found the charge sustained and committed the boys to the care of the Society making the charge. The masters or employers obtained a writ of *habeas corpus*, and on the proceedings proved that the boys had been apprenticed to them by their parents to learn the trade of gymnasts and acrobats. The court, WESTBROOK, J., decided that the commitment to the Society was proper; that the constitutionality of the statute under which the commitment was made could not be inquired into under the writ of *habeas corpus*, and that the constitutional right of trial by jury and due process of law does not extend to claims to the custody of children under indenture of apprenticeship.

In *People v. Turner*, 55 Ill. 280; S. C., 8 Am. Rep. 645, an act of the legislature of Illinois authorized the commitment to a "reform school" of children between six and sixteen years of age who are "vagrants or destitute of proper parental care, or are growing up in mendicancy, idleness or vice," to remain until reformed or until the age of twenty-one. On the application of the father of a child so committed, *held*, that the child must be discharged, the act being unconstitutional, and the commitment not being for any criminal offense.

But in *Prescott v. State*, 19 Ohio St. 184; S. C., 2 Am. Rep. 388, a statute authorizing the grand jury, where an infant under the age of sixteen years is charged with crime, and the charge appears to be supported by evidence sufficient to put the accused upon trial, instead of finding an indictment, to return to the court that the accused is a suitable person to be committed to the house of refuge, and directing the court thereupon to order the commitment without trial by jury, is constitutional. So in *Milwaukee Industrial School v. Supervisors*, 40 Wis. 328; S. C., 22 Am. Rep. 702, a statute enacted that children under a certain age, who were inmates of poor-houses, or who were abandoned by their parents, or who were without means of subsistence, should be committed to industrial schools during minority. *Held*, not unconstitutional as authorizing imprisonment without due process of law.

CHAP. 136.

AN ACT to authorize the appointment of Commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in foreign States and Countries, and for other purposes, and to repeal chapter three hundred and eight, of the Laws of eighteen hundred and fifty-eight, and the acts amendatory thereof together with so much of chapter two hundred and seventy of the Laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of Commissioners to take the proof and acknowledgment of deeds and other instruments and to administer oaths in other States and Territories, and the acts amendatory thereof as authorizes the appointment by the Governor of this State of Commissioners to take the proof and acknowledgment of deeds and other instruments and to administer oaths in the Dominion of Canada.

See ch. 53,
Laws 1876,
post.

PASSED, April 22, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Governor is hereby authorized to appoint and commission one or more, and not exceeding five commissioners in each city in any foreign State or Country, where, in his discretion such appointment may be necessary, who shall continue in office for four years, and who shall have authority to take the acknowledgment or proof of the execution of any deed or written instrument, to be recorded or read in evidence in this State, (except bills of exchange, promissory notes, and last wills and testaments), and also to administer an oath or affirmation to any person or persons who may desire to take the same and to certify to the taking of such oath or affirmation; and also to certify the existence of any patent, record or other document remaining of record in any public office or official custody in such foreign State or Country, and the correctness of a copy of any such patent, record or other document. The certificate of any one of such commissioners under his official seal and subscribed by him, in regard to the acknowledgment or proof of the executions of any such deed or written instrument, or the taking of such oath or affirmation, or the existence of such patent, record or document, or the correctness of any copy thereof when authenticated by the Secretary of State as hereinafter mentioned, shall authorize the recording or reading in evidence of such deed or written instrument, oath or affidavit, copy of patent, record or document.

Governor
to appoint
commissioners.

Powers.

Certificate
of commis-
sioner,
effect of.

§ 2. Before any such deed or other instrument, oath or affidavit, patent, record or document, shall be entitled to be used, recorded or read in evidence, in addition to the preceding requisites, there shall be subjoined or affixed to the certificate signed and sealed by such commissioner, as aforesaid, a certificate, under the hand and official seal of the Secretary of State, of this State, certifying that such commissioner was duly authorized to take such proof or acknowledgment, or to administer such oath or affirmation, or to certify the existence and correctness of a copy of such patent, record or document, at the time his certificate thereto bears date, and that the Secretary is acquainted

Certificate
of Secretary
of State.

with the handwriting of such commissioner, or has compared the signature to such certificate with the signature of such commissioner deposited in his office, and has also compared the impression of the seal affixed to such certificate with the impression of the seal of such commissioner deposited in his office, and that he believes the signature and the impression of the seal of the said certificate to be genuine.

Oath of commissioner.

§ 3. Every commissioner appointed by virtue of this act, before performing any duty or exercising any power in virtue of his appointment, shall take and prescribe an oath or affirmation before a person authorized to administer such oath or affirmation in such foreign State or Country by the laws of this State, or before a judge or clerk of one of the courts of record of the foreign State or Country in which such commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner under and by virtue of the laws of the State of New York; and shall also cause to be prepared an official seal, on which shall be designated his name and the words "commissioner of deeds for the State of New York," with the name of the city and foreign State or Country for which he shall be appointed, and shall cause a distinct impression of such seal, taken upon wax or some other substance capable of receiving and retaining a clear impression, together with his signature, in his own proper writing, and the oath or affirmation above in this section mentioned, duly certified by the person before whom it may have been taken, to be filed in the office of the Secretary of this State.

Seal.

Vacancies.

§ 4. As often as the term of office of any commissioner appointed by virtue of this act shall expire, or the office shall become vacant by the death, resignation, or removal from the city for which he was appointed of such commissioner, the Governor shall have power to fill the office by new appointment, and the person so appointed shall, upon complying with the provisions of the third section of this act, hold his office by the tenure, and shall possess the powers specified in the first section of this act.

Pay for certificate of Secretary of State. Secretary of State to forward instructions.

§ 5. The Secretary of State shall be entitled to demand and receive the sum of twenty-five cents for every certificate by him given in pursuance of the third section of this act.

Fees of commissioners.

§ 6. It shall be the duty of the Secretary of State to forward instructions and forms, in accordance with the laws of this State, together with a copy of this act, to each person who shall be appointed a commissioner under and by virtue of this act.

§ 7. The fees of such commissioners for services under this act shall be as follows: In Great Britain and Ireland, for administering each oath and certifying the same, one shilling sterling; in France, one franc and twenty-five centimes. In Great Britain and Ireland for taking each acknowledgment or proof of any deed or other written instrument to be recorded or read in evidence, and for certifying the existence or correctness of a copy of any patent, record, or other document, four shillings sterling; in France five francs, and in all other foreign States or Countries, the same compensation as is allowed the commissioners in France.

Certified copies of foreign records.

§ 8. A copy of any patent, record, or other document, remaining of record in any public office of any foreign State or Country, when certified according to the form in use in such foreign State or Country, and also certified according to the first and second sections of this act, may be read in evidence in any of the courts of this State.

Presumption as to certificate.

§ 9. The certificate of any one of said commissioners, annexed to a paper purporting to be certified as in the last section provided, shall

be presumptive evidence that it has been certified according to the form in use in such foreign State or Country.

§ 10. All the official acts of the commissioners heretofore appointed by the Governor under chapter three hundred and eight of the laws of eighteen hundred and fifty-eight, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in Great Britain and France," and the acts amendatory thereof, are hereby legalized, ratified and confirmed, notwithstanding any excess in the number of commissioners appointed in said countries under said acts beyond the number authorized by law; and the said commissioners so appointed, and now in office, shall continue to hold their respective offices during a term of four years from the date of their commissions, and no longer; but nothing herein contained shall be deemed or taken to affect the rights of any party to any suit or proceeding commenced prior to the passage of this act.

Existing
commissioners.

§ 11. Said chapter three hundred and eight of the laws of eighteen hundred and fifty-eight, and the acts amendatory thereof, together with so much of chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and Territories," and the acts amendatory thereof as authorizes the appointment, by the Governor of this State, of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in the Dominion of Canada, are hereby repealed; and, hereafter, all appointments of such commissioners in foreign States and Countries shall be made under and pursuant to this act; but nothing herein contained shall affect the rights of commissioners heretofore appointed pursuant to said chapter three hundred and eight, laws of eighteen hundred and fifty-eight, and the acts amendatory thereof, or under said chapter two hundred and seventy, laws of eighteen hundred and fifty, and the acts amendatory thereof; and such commissioners so appointed shall remain in office and continue to exercise the powers and perform the duties conferred upon them under said acts during the term of four years, from the date of their respective appointments, and no longer.

Repeal.
See ch. 58,
Laws 1876,
post.

§ 12. This act shall take effect on the first day of May, eighteen hundred and seventy-five.

Ante, vol. 4, pp. 441, 445.

CHAP. 138.

AN ACT further to amend chapter one hundred and thirty, of the laws of eighteen hundred and forty-two, entitled "An act respecting elections other than for militia and town officers."

PASSED April 22, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventeen of title four of chapter one hundred and thirty of the laws of eighteen hundred and forty-two, entitled "An act respecting elections other than for militia and town officers," is further amended so as to read as follows:

Amending
ch. 130,
Laws 1842,
1 Edm. 118.

Oath after challenge.

§ 17. If the person so offering shall persist in his claim to vote, and the challenge shall not be withdrawn, one of the inspectors shall then administer to him the following oath: "You do swear (or affirm, as the case may be) that you have been a citizen of the United States for ten days, and are now of the age of twenty-one years; that you have been an inhabitant of this State for one year next preceding this election, and for the last four months a resident of this county, and for the last thirty days a resident of this election district; and that you have not voted at this election." If the person so offering shall be challenged for causes stated in section two of article two of the Constitution of this State, the following additional oath shall be administered by one of the inspectors: "You do swear (or affirm as the case may be) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that you have not made any bet or wager and are not directly or indirectly interested in any bet or wager depending upon the result of this election. If the person so offering shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors: "You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen."

On challenge for paying for votes, etc.

On challenge for bribery.

§ 2. Section twenty-three of said title is hereby amended so as to read as follows:

Voting after conviction for bribery, etc.

§ 23. Any person who, having been convicted of bribery or any infamous crime, shall vote at any election, unless he shall have been pardoned and restored to all the rights of a citizen, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be imprisoned in the county jail for the term of six months.

§ 3. This act shall take effect immediately.

Ante, vol. 1, pp. 127-8.

CHAP. 140.

AN ACT to provide for a better system of records of the inmates of poor-houses and alms-houses.

PASSED April 23, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Record, what to contain.

SECTION 1. In addition to a general register of the inmates of the various poor-houses and alms-houses of this State, there shall hereafter be kept in each such poor-house and alms-house, a record as to the sex, age, birth-place, birth of parents, education, habits, occupation, condition of ancestors and family relations, and the cause of dependence of each person at the time of admission, with such other facts and particulars in relation thereto as may be required by the State board of charities, upon forms prescribed, and furnished by said board

§ 2. It shall be the duty of the superintendents and overseers of the poor, and other officers charged with the relief and support of indigent persons, to furnish the keepers or other proper officers in charge of such poor-houses and alms-houses, as full information as practicable in relation to each person sent or brought by them to such poor-house or alms-house, and the said keeper or other officer in charge of such poor-house or alms-house, shall record the information thus obtained, at the time of the admission of such person, on the forms thus furnished. All such records shall be preserved in such poor-houses and alms-houses, and it shall be the duty of the keepers or other officers in charge thereof, to make and forward copies of the same, on the first day of each month, to the State board of charities.

§ 3. This act shall take effect on the first day of October, eighteen hundred and seventy-five.

Superintendents and overseers of the poor to furnish information.

Keeper to record same.

Keeper to furnish copies to State board of charities.

CHAP. 145.

AN ACT to fix the salaries of certain State officers.

PASSED April 22, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be allowed to the several officers of government hereinafter mentioned, the following annual salaries, to be paid quarterly: To the Comptroller, six thousand dollars; to the Secretary of State, five thousand dollars; to the State Treasurer, five thousand dollars; to the Attorney-General, five thousand dollars; to the Canal Commissioners, each, four thousand dollars; to the inspectors of State prisons, each, two thousand dollars.

Annual salaries.

§ 2. There shall be allowed to the State Engineer and Surveyor, and to the Auditor of the Canal Department, each, five thousand dollars, to be paid out of the canal fund.

§ 3. This act shall take effect at the expiration of the present terms, respectively, of the officers herein mentioned.

CHAP. 159.

AN ACT to amend chapter two hundred and forty-eight of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the formation, establishing and maintaining of driving park and park associations."

PASSED April 24, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of chapter two hundred and forty-eight of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the formation, establishing and maintaining of driving park and park associations," is hereby amended so as to read as follows:

Amending ch. 248, Laws 1872, § 9 Edm. 842.

§ 6. Any such association may, in case the uses and convenience thereof so require, upon application to the Supreme Court of the district wherein said association at the time of such application shall be situated, or the county court of the county wherein such association is organized obtain the requisite order and power to sell or mortgage,

May mortgage or sell real estate.

from time to time, the whole or any part or parts of its real estate, the granting of such order to be in the discretion of the court, and such application to be made only when authorized by said association at any annual meeting thereof, by a vote in person or by proxy of not less than two-thirds in amount of all the stockholders voting, and printed or written notice of the intention to vote for such application having been served on every stockholder by the secretary of such association, by depositing the same in the post-office where such association is located, properly folded and directed to him at the post-office nearest his place of residence, as shall appear from the books of the association kept for this purpose, with the postage paid thereon, at least twenty days prior to the time of said meeting.

CHAP. 166.

AN ACT to amend chapter four hundred and seventy-six of the laws of eighteen hundred and fifty-nine, entitled "An act to supply vacancies in the office of justices of the peace of the several towns of this State."

PASSED April 24, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 476,
Laws 1859,
§ Edm. 322.

SECTION 1. Section one of chapter four hundred and seventy-six of the laws of eighteen hundred and fifty-nine, entitled "An act to supply vacancies in the office of justices of the peace of the several towns of this State," is hereby amended so as to read as follows:

Vacancy
in office of
justice of
peace, how
filled.

§ 1. Whenever a vacancy shall occur in the office of justice of the peace of any town in this State, the supervisor, town clerk, and remaining justices of the peace, or a majority of such officers, are hereby authorized by warrant under their hands and seals to appoint a suitable person to fill said vacancy, and the person so appointed shall hold said office until the next regular annual town meeting in said town, unless the said appointment shall have been made to fill the vacancy of an officer whose term of office would have expired on the thirty-first day of December next, succeeding such appointment; in which case the term of office of the person so appointed shall expire on the thirty-first day of December next succeeding such appointment. And any person so appointed may at once qualify and enter upon the discharge of the duties of his office.

§ 2. This act shall take effect immediately.

An oral or verbal appointment is void. It must be in writing and under seal. *People v. Murray*, 70 N. Y. 521.

The appointing board cannot appoint one of their own number. *People v. Thomas*, 33 Barb. 287.

When a justice of the peace whose term has expired continues to discharge the duties of the office under the statute (1 R. S. 117, § 9), authorizing him to hold over until his successor has qualified, the office is not vacant. *Tappan v. Gray*, 9 Paige, 507.

Omission by a justice to take the prescribed oath works a forfeiture of the office. 1 R. S. 121, § 51.

But such failure or a failure to give bonds does not create a vacancy in the office. *Greenleaf v. Low*, 4 Denio, 168; *Weeks v. Ellis*, 2 Barb. 320.

Justices elected to fill a vacancy occurring before the expiration of a full term hold for the residue of the unexpired term. Const., art. VI, § 13.

Justices of the peace are not within the constitutional provision (art. 6, § 13), limiting the tenure of judicial office to seventy years of age. *Dohring v. People*, 2 Thomp. & Cook, 458; *People v. Gardner*, 45 N. Y. 820.

Section 31 of 1 R. S. 347, as amended by ch. 543 of the Laws of 1874 (9 Edm. 968), provides as follows:

"If any town shall omit or neglect at its annual town meeting to choose its proper town officers or any of them, it shall be lawful for any three justices of the peace of said town, by a warrant under their hands and seals within five days after such town meeting, to appoint such officer or officers, and the person or persons so appointed shall hold their respective offices until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors; but if the justices of the peace fail to so appoint, it shall be the duty of the town clerk, within thirty days thereafter, to call a special town meeting for the purpose of electing such officer or officers."

CHAP. 170.

AN ACT to amend section nine of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of Life and Health Insurance Companies, and in relation to agencies of such companies."

PASSED April 24, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter four hundred and sixty-three of the laws of the year eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies," is hereby amended so as to read as follows:

§ 9. No company organized under this act shall be permitted to purchase, hold or convey real estate, except for the purposes and in the manner herein set forth, to wit:

1. Such as shall be requisite for its accommodation in the transaction of its business; or,

2. Such as shall have been acquired for the accommodation of its business previous to the passage of this act; or

3. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due; or,

4. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or,

5. Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts; and it shall not be lawful for any company incorporated as aforesaid to purchase, hold or convey real estate in any other case, or for any other purpose; and all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of such company in the convenient transaction of its business, or which shall not have been necessary for such purpose at the time of its acquisition, shall be sold and disposed of within five years after such company shall have acquired title to the same; and it shall not be lawful for such company to hold such real estate for a longer period than that above mentioned, unless the said company should procure a certificate from the Superintendent of the Insurance Department that the interests of the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such time as the said Superintendent shall direct in said certificate.

§ 2. This act shall apply to all life insurance companies organized under any laws of this State.

§ 3. This act shall take effect immediately.

Amending
ch. 463,
Laws 1853,
4 Edm. 216.

For what
purposes
insurance
companies
may pur-
chase, hold
or convey
real estate.
Amended
1876, ch. 357,
post.

CHAP. 173.

AN ACT to provide for the better care of pauper and destitute children.

PASSED April 24, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When children not to be committed to poor-house.

SECTION 1. On and after January first, eighteen hundred and seventy-six, it shall not be lawful for any justice of the peace, police justice or other magistrate, to commit any child, over three and under sixteen years of age, as vagrant, truant or disorderly, to any county poor-house of this State, or for any county superintendent, or overseer of the poor, or other officer, to send any such child as a pauper to any such poor-house for support and care, unless such child be an unteachable idiot, an epileptic, or paralytic, or be otherwise defective, diseased or deformed, so as to render it unfit for family care, but such justice of the peace, police justice or other magistrate, and also such county superintendent or overseer of the poor or other officer, shall commit or send such child or children not above exempted to some orphan asylum or other charitable or reformatory institution, as now provided for by law.

Where to be sent.

Children to be removed from poor-houses. Amended 1876, ch. 266, post.

§ 2. It shall be the duty of the county superintendents of the poor, or other proper officers charged with the support and relief of indigent persons of the several counties of this State, in which there are county poor-houses, to cause the removal of all children between the age of three and sixteen years (not exempted by the first section of this act) from their respective poor-houses, on or before the first day of January, eighteen hundred and seventy-six, and also to cause the removal of those who may hereafter come under the care and control, or hereafter be born in such poor-houses, before they shall have arrived at the age of three years, and provide for their support and care in families, orphan asylums or other appropriate institutions as now provided for by law; and the boards of supervisors of the several counties, are hereby required to take such action in the matter, as may be necessary to carry out the provisions of this act. In placing any such child in any such institution it shall be the duty of the officer, justice or person placing it there to commit such child to an orphan asylum, charitable or other reformatory institution that is governed or controlled by officers or persons of the same religious faith as the parents of such child, as far as practicable.

Boards of supervisors to see that act is carried out.

CHAP. 174.

AN ACT to authorize municipal corporations holding the first mortgage bonds of the Rochester and State Line Railway Company to exchange the same for the second mortgage bonds of said company.

PASSED April 24, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Rochester may exchange

SECTION 1. The common council of the city of Rochester are hereby authorized and empowered to exchange with the Rochester and State

Line Railway Company the first mortgage bonds of said company which were issued to said city pursuant to the provisions of chapter one hundred and eighty-five of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railway Company, and to take bonds of that company therefor," passed April sixth, eighteen hundred and seventy-two, for an equal amount of the second mortgage bonds of said company, provided that the first and second mortgage bonds issued, or to be issued, shall not exceed the sum of twenty-five thousand dollars for each mile in length of the said railway as located from Rochester to Salamanca, whenever a guaranty is given by the directors of the Rochester and State Line Railroad Company, to be approved by the mayor of the city of Rochester, that said railroad shall be ready for operation by January first, eighteen hundred and seventy-seven.

first mortgage bonds for second mortgage bonds.

§ 2. The commissioners, or a majority of them, representing any municipal corporation within this State, holding the bonds of the Rochester and State Line Railway Company, in exchange for the bonds of such municipal corporation, pursuant to the provisions of chapter nine hundred and seven of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads," passed May eighteen, eighteen hundred and sixty-nine, and the several acts amendatory thereof, or supplementary thereto, are hereby authorized and empowered to exchange with said railway company its bonds so held by said commissioners for the second mortgage bonds of said company to an equal amount, whenever a guaranty is given by the directors of the Rochester and State Line Railroad Company, to be approved by said commissioners, or a majority of them, that said railroad shall be ready for operation by January first, eighteen hundred and seventy-seven.

Other municipal corporations.

§ 3. This act shall take effect immediately.

CHAP. 175.

AN ACT to regulate the sale of baled hay and straw in the State of New York.

PASSED April 26, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any person in the State of New York to sell, or offer for sale, baled hay or straw, with more than twenty pounds of wood to the bale, the weight of which is two hundred pounds or upward, or more than ten pounds of wood for bales weighing less than two hundred pounds.

Amount of wood to bale.

§ 2. The gross weight shall be plainly marked on each bale of hay or straw, and no person shall sell, or offer for sale, such hay or straw so marked which shall weigh less than such gross weight after deducting five pounds from each bale for shrinkage.

Weight to be marked on bale.

Penalty.

§ 3. Any person or persons, violating the provisions of the preceding sections, or either of them, shall be deemed guilty of a misdemeanor or criminal offense, which shall be prosecuted according to the ordinary course of procedure in criminal accusations before any justice of the peace of the town, or before any magistrate of the city in which such person or persons shall make the sale or deliver the same; and upon conviction thereof shall be punished by a fine, not exceeding three dollars, for each and every bale so sold, and the costs of the proceedings, and stand committed until said fine is paid.

§ 4. This act shall take effect immediately.

See L. 1860, ch. 155; *ante*, vol. 3, p. 671.

CHAP. 176.

AN ACT relative to the incorporation of musical colleges, schools and academies.

PASSED April 27, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Incorporation of musical colleges and schools.

SECTION 1. Any citizens not less than ten in number, of whom a majority shall be inhabitants of this State, who may desire to found and endow a musical college, school or academy within this State for the education of persons in the lower and higher branches of music may make, sign and acknowledge before some officer authorized to take the acknowledgment of deeds, a certificate in writing in which shall be stated the corporate name of the proposed institution, the names of the persons proposed for the first trustees, not less than seven, the object of said corporation, and the name of the city or town in which it is proposed to locate the same, and shall file such certificate in the office of the county clerk of the county in which such corporation is located, and in the office of the Secretary of State. Such corporation may hold and possess real and personal property to the amount of two millions of dollars.

Powers and privileges of corporation.

§ 2. Every institution incorporated under this act shall have all the powers and privileges and be subject to the provisions, liabilities and restrictions of the third title of the eighteenth chapter of the first part of the Revised Statutes, so far as the same are applicable. The trustees of every college or academy incorporated pursuant to this act shall have power to grant and confer diplomas and the degree of doctor of music.

May take and hold property.

§ 3. Any corporation formed under this act shall be capable of taking, holding or receiving any property, real or personal, by virtue of any devise or bequest contained in any last will or testament of any person whomsoever, the clear annual income of which devise or bequest at the time the same is made shall not exceed the sum of two hundred thousand dollars, subject to all the provisions of law relating to devises and bequests by last will and testament.

§ 4. This act shall take effect immediately.

CHAP. 180.

AN ACT creating a board of town auditors in the several towns of this State and to prescribe their powers and duties.

PASSED April 29, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly do enact as follows:

SECTION 1. In addition to the officers now authorized by law to be elected at town meetings, there shall be chosen in the manner hereinafter provided in each of the towns of this State, at the next annual town meeting held after the passage of this act, and annually thereafter, three town auditors, whose term of office shall continue during one year after their election, and who shall form the board of town auditors of the town for which they are elected.

Board of town auditors.

§ 2. All the powers conferred by law upon boards of town auditors, and all duties required by law to be performed by such boards, are conferred upon and shall be required of the town auditors elected or appointed under and pursuant to this act. All bills and claims must be presented on the first day of their session.

Powers and duties.

§ 3. Such town auditors shall be voted for upon the same ballots as other town officers, and the ballots received and canvassed, and their election certified, excepting, however, that only two of such auditors shall be voted for on each ballot, and the two persons having the highest number of votes shall be declared elected as two of such auditors, and the person having the next highest number of votes shall be appointed by the presiding officers of such town meeting, or in case the election is held in election districts, by the supervisor and justice of the peace of such town or a majority of them, as the other of such auditors.

Manner of voting for town auditors.

§ 4. No person shall be elected or appointed as such town auditor, or shall hold office as such, unless he is a freeholder of the town for which he shall be elected or appointed, and no person so elected or appointed shall hold any other office in such town during the term for which he is elected or appointed; and if he shall accept an election or appointment to any other office in such town, he shall immediately cease to be a town auditor, and the vacancy in his office shall be supplied in the manner hereinafter required.

Qualifications.

§ 5. Each of such town auditors shall be entitled to and shall receive for his services three dollars per day for each day not exceeding three, actually employed by him in the performance of the duties of his office. In case of any vacancy occurring in the board of town auditors, by the death or removal from the town of any or either of such auditors, or by his neglect or refusal to accept such office, the supervisor of the town in which such vacancy occurs may appoint some suitable and competent person to fill such vacancy until the next annual town meeting thereafter.

Compensation.

Vacancies.

§ 6. This act shall take effect immediately.

The following named counties and towns have been "exempted from the provisions and operations" of the above act, viz.:

By ch. 99, L. 1877 (as amended by ch. 179, L. 1879), "the counties of Suffolk (except the town of Islip), Onondaga, Saratoga (except the town of Saratoga Springs), Ontario, Yates, Rensselaer, Genesee, Schenectady, Monroe, Livingston, Otsego, Schoharie (except the town of Schoharie), Niagara and Orleans." By ch. 358, L. 1878, "the counties of Wayne, Delaware, Allegany, Onondaga, Cayuga, Erie, St. Lawrence, Schuyler, Rockland, Orange, Sullivan and Broome." By ch. 21, L. 1879, "the counties of Lewis, Madison (excepting the town of Lenox), Wyoming, Queens and Jefferson (except the towns of Le Roy, Watertown and Wilna, and the town of Thurman, county of Warren)." By ch. 399, L. 1879, "the towns of Afton and Plymouth, in the county of Chenango." By ch. 24, L. 1880, "the county of Oswego (except the towns of Mexico, Richland and Sandy Creek)." By ch. 107, L. 1880, "the towns of Guilford and Greene, Chenango county." By ch. 814, L. 1880, "Fulton county." By ch. 75, L. 1880, "the town of Scipio, in the county of Cayuga," was, "in all things, made subject to the provisions and operations" of the above act; and by ch. 236, L. 1880, a board of town auditors was created in the town of Newtown, Queens county.

CHAP. 181.

AN ACT to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof.

PASSED April 29, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Board of
water com-
missioners.

SECTION 1. The authorities of any incorporated village in this State may hereafter organize into a board of water commissioners in the manner by this act provided.

Who may
organize.
Amended
by ch. 88,
Laws 1879,
post, p. 702.
How to
organize.

§ 2. For the purposes of this act, said authorities are hereby defined to be, in villages, the board of trustees thereof. The terms of office of said commissioners shall respectively continue for the terms for which said authorities shall be, or shall have been, respectively elected.

Rules.
Treasur-
er's bond.

§ 3. Whenever a majority of said authorities, in a village, shall deem it advisable to organize as a board of water commissioners, they shall certify the same in writing to the clerk of the village, who shall thereupon and within five days thereafter, notify said authorities, in writing, to attend a meeting to be held within five days thereafter, for the purpose of organizing as a board of water commissioners. At the time and place named in said notice, said authorities, or a majority of them, shall meet and organize by electing one of their number president of the board. They shall also elect from their number a secretary and treasurer. Said board may make all necessary rules and regulations for its government and the transaction of its business. The treasurer shall give a bond with sufficient sureties for the faithful performance of the duties of his office in such amount as may be determined by the board of commissioners, to be appointed by said commissioners.

Duties.

§ 4. It shall be the duty of the commissioners to examine and consider all matters relating to supplying the village with pure and wholesome water, and for that purpose they shall have power to employ engineers, surveyors and such other persons as shall be necessary for that purpose; and they shall adopt such plans as in their opinion may be most feasible for procuring such supply of water, and which shall embrace proper distribution pipes and supplies for all streets and places where, in their opinion, it shall be of interest to the village, and shall ascertain the probable amount of money necessary to carry the same into effect; and for that purpose they shall have power to contract for and purchase, and take by deed or other instrument under seal, in the name of said village, all lands, tenements, hereditaments, rights or privileges whatever, and situate at any place within the county in which said village may be situated, which may be required for the purpose, and to contract for the execution of the work, or any part thereof, or the supply of any necessary material; and the commissioners, and their agents and employees, are authorized to enter upon any land or water for the purpose of making surveys, and to agree with the owner of the property, real or personal, which may be required for the purposes of this act, as to the amount of compensation to be paid such owner, subject to a revision by the court, upon application by any three taxable inhabitants of the village.

May pur-
chase land.

Survey of
lands to be
taken.
Amended
1879, ch.
223.

§ 5. Before entering, taking or using any land for the purpose of this act, the said water commissioners shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said

purposes, by and on which the land of each owner or occupant shall be designated, which map shall be signed by the president of said water commissioners and their secretary, and be filed in the office of the county clerk of the county in which the said lands are situated; said water commissioners, by any of their officers, agents or servants, may enter upon any lands for the purpose of making such survey or map.

§ 6. In all cases where the said water commissioners shall be unable to agree with the persons owning or having an interest in any lands, tenements or hereditaments required for the purposes of this act, the Supreme Court, at any special term thereof, held in the judicial district in which said lands are situated, shall on application of said water commissioners, after ten days' written notice personally served on such person, or where such notice cannot be personally served within the State, or such persons are infants, or otherwise incapacitated from receiving personal notice, then by service in such manner as the said court shall direct, appoint three disinterested citizens of the county in which the said lands are situated, who shall be freeholders, as commissioners of assessments, to determine the damage sustained by each of such persons, by reason of the taking or use of his or her lands, tenements or hereditaments for the purpose of this act. Such commissioners of assessment shall take the oath required by the Constitution, and shall personally examine each parcel of land or other property proposed to be taken or used, and shall estimate and report to said court, at any term thereof held in the said judicial district, the several sums which will be a just compensation to such owners or persons interested, respectively, for the appropriation to the purposes of this act, of any property, rights or privileges that may be so required, or for the title or use of any such property. Such commissioners of assessment may examine witnesses upon hearings before them, and all evidence so taken shall accompany their report. Ten days' notice in writing of the time and place of the presentation of said report shall be given to the parties interested. On the presentation of said report, the said court may confirm or amend the same, or appoint new commissioners, who shall proceed in like manner with the first commissioners, and whose report shall be final, and shall be confirmed by said court. Said commissioners of assessment shall receive, from the said water commissioners, the sum of three dollars per day, each, for each day employed by them in performance of their duties as above stated, together with the amount which said commissioners of assessment shall certify as correct, in their said report, for incidental expenses connected with their work, including the preparation of their report.

Proceedings to acquire titles to lands.

§ 7. Whenever any report of commissioners of assessment shall have been confirmed by said Supreme Court, the said water commissioners may deposit as said court may direct, or pay to said owner or to such person or persons as the court may direct, the sum mentioned in the said report in full compensation for the property so required; and thereupon the said village shall become seized in fee of the property so required, and said commissioners and said village shall be discharged from all claim by reason of any such appropriation or use.

When become seized of property.

§ 8. The said commissioners shall have power, and it shall be their duty to borrow from time to time upon the credit of the village, a sum not exceeding ten per cent of the assessed value of the real and personal estate of the valuation of the village as shall appear by the then last assessment roll, upon such term of credit not exceeding thirty years, and at rate of interest not exceeding seven per cent per annum, as shall seem to them for the best interests of said village; and to secure the

Commissioners to borrow money.

Report to
supervis-
ors.

§ 17. The said commissioners shall annually, on the first day of May in each year, and at all such other times as required by the board of supervisors of the county in which said village is situated, deliver to said board of supervisors a detailed statement of all their accounts, a general statement of all their work, and condition of their affairs and state of finances, including a full detail of the amount expended in the progress of the work, and a particular statement of any deficiency as to the water rents, in meeting the principal and interest of the sum borrowed, as in the previous section hereinbefore referred to, and all books and papers of every kind and description kept by said commissioners, upon which are entries of their transaction as such, shall, at all times, be subject to the inspection by said board of supervisors, and by every elector of said village.

Judgments
against
commis-
sioners.

§ 18. All judgments against said commissioners in their name of office, and judgments against them, where the transaction upon which the action was brought shall have been in the performance of their duties as commissioners, shall not be enforced against the individual property of either of the said commissioners.

Rules and
regula-
tions.

§ 19. The said commissioners shall have power, from time to time, to make and establish such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as they shall judge proper for the election of their officers, and as to the duties of these officers and employees, and as to the means of enforcing said duties, and for the regulation of times and manner of holding meetings of commissioners, and for enforcing the collection of water rents and manner of using water, and generally for transacting, managing and directing the affairs of the commissioners, and may provide regulations as to the use of water, and enforce the observance thereof by cutting off the use and supply of water.

Violation
of act.

§ 20. A violation of any of the provisions of this act by any of such commissioners shall be deemed a misdemeanor.

Vote of
electors on
questions
of water
tax.

§ 21. At any time after the passage of this act, a meeting of the electors of any village may be called by its board of trustees, upon notice published for two weeks in one or more weekly newspapers published in said village, or if no newspaper be published in such village, then in the nearest newspaper published in the county in which such village may be situated, and at which the question will be submitted, whether the taxes in this act authorized for the purposes aforesaid shall be levied and collected from the village, as in this act provided; and no commissioners shall proceed with any duties under this act, unless the majority of the voters and the tax payers whose names appear upon the last assessment roll of the village, voting at such meeting shall vote in favor of such taxes. Said vote shall be by ballot, and there shall be written or printed on the ballots of those in favor of taxes, "For the water taxes," and on the ballots of those opposed, "Against the water taxes." The said board of trustees, or any of them, shall preside and certify the result of said meeting, and the village clerk shall, within five days thereafter, serve each of said commissioners with a certified copy of such certificate.

How
rights and
property
of existing
corporations
acquired.

§ 22. Whenever any corporation shall have been organized under the laws of this State for the purpose of supplying the inhabitants of any village with water, and it shall become or be deemed necessary by the board of water commissioners herein authorized to be created, that the rights, privileges, grants and properties of such corporation shall be required for any of the purposes of this act, the commissioners herein authorized to be created shall have the power, and it shall be

their duty, to make, or cause to be made, a thorough examination of the works, rights, privileges and properties owned or held by such corporations, or any of them, and if such commissioners shall determine that said works, rights, privileges and properties are necessary for the purposes of this act, they shall have the right to make application to the Supreme Court, at a special term thereof, held in the judicial district in which the works of such corporation are situated, for the appointment of three commissioners of appraisement, who shall be disinterested freeholders and residents of the county. Notice of such determination and application must be served upon the president and secretary of such corporation at least ten days prior to the presentation of any such application. The court shall thereupon appoint the said commissioners of appraisement, whose duty it shall be to examine and appraise the value of the works, rights, privileges and properties required to be taken by the board of water commissioners, and such commissioners of appraisement shall make a report in writing of such examination and appraisement to said court at a special term thereof. Said report shall be verified by the oaths of said commissioners; they shall file a copy thereof with the board of water commissioners, and they shall cause a copy thereof to be served upon the president or secretary of the company, whose rights and properties are the subject of such appraisement, with a notice of the time and place of the presentation of said report for confirmation. Such notice shall be served at least ten days prior to the time when said report shall be presented for confirmation. If objection be made to the confirmation of said report, by said company, or by a water commissioner, or if objection be made thereto by any three tax payers of said village, the court may order a re-examination of said works and properties, and a re-appraisement thereof; and the court may make an order that testimony be taken concerning the value of said works and properties. Said re-examination and re-appraisement shall be made, and said testimony shall be taken within twenty days from the time when said order shall be made, unless such time shall be extended by the court; and upon the presentation of said second report, the court shall proceed to consider the same, and shall thereupon confirm or reject the same. The compensation of such commissioners shall be three dollars per day for each day actually engaged, together with their actual and necessary expenses as adjusted by the court. The awards made to the corporation whose rights and properties are so taken, shall be paid by the water commissioners herein authorized to be created, from the proceeds of bonds, certificates or other obligations, which are hereby authorized to be issued by such commissioners for such purpose, and thereupon all the rights, privileges, works, franchises and properties owned by said corporation, or held by it for its purposes, shall be vested in said village.

§ 23. In the construction of any storage reservoir now being erected or hereafter to be erected within the limits of this State, for the purpose of supplying water for the use of any city, town or village, all vegetable or other matter subject to decay shall be removed from the banks thereof between its highest and lowest possible flow lines, or be covered by gravel or stone to prevent any such decay and consequent injury to public health. Reservoirs.

§ 24. The provisions of this act shall not apply to any village wherein a board of water commissioners has been created according to law. Limitation.

CHAP. 193.

AN ACT further to amend chapter three hundred and forty-six of the laws of eighteen hundred and sixty-three, entitled "An act empowering railroad companies to employ police force."

PASSED April 29, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 846,
Laws 1863,
6 Edm. 110.

SECTION 1. Section three of chapter three hundred and forty-six of the laws of eighteen hundred and sixty-three, entitled "An act empowering railroad companies to employ police force," passed April twenty-nine, eighteen hundred and sixty-three, amended by chapter two hundred and fifty-nine, Laws of eighteen hundred and sixty-six, is hereby amended so as to read as follows:

Policeman
to take
oath of
office.

§ 3. Every policeman so appointed shall within fifteen days after receiving his commission, and before entering upon the duties of his office, take and subscribe the oath of office prescribed in the case of officers appointed by the Governor, in the twelfth article of the constitution, which oath of office shall be taken and subscribed before the Secretary of State, or before the county clerk of the county in which such policeman resides, which said oath, or a duplicate thereof, shall be filed in the office of the Secretary of State. And it shall be the duty of the Secretary of State, upon the filing of such oath of office, to transmit to the county clerk of each county through or into which the railroad or steamboat for which such policeman is appointed may run, and in which the said policeman is herein authorized to act, a certificate under his hand and the seal of his office, setting forth the appointment of said policeman by the Governor and that his commission is recorded and oath of office filed in the office of said Secretary of State, which certificate shall be filed by each county clerk receiving the same. Such policeman shall thereupon severally possess all the powers of policemen in the several towns, cities and villages in which they shall be so authorized to act as aforesaid.

Secretary
of State
to transmit
certificate
of appoint-
ment, etc.

§ 2. This act shall take effect immediately.

Ante, vol. 6, p. 512.

CHAP. 196.

Highways. **AN ACT** to authorize overseers of highways in the several road districts of this State to cause the removal of fences along public highways for the purpose of preventing the drifting of snow into such highways.

PASSED April 29, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Abate-
ment of
tax for
removal of
fence.

SECTION 1. Any inhabitant liable to highway tax who shall remove from lands owned or occupied by him the fence along any public highway for the purpose of preventing the drifting of snow into such highway, shall be allowed by the overseer of highways, in abatement

of his highway tax, the time actually expended in removing such fence and in replacing the same; provided, however, that no allowance shall be made as hereinbefore provided unless such fence shall have been removed pursuant to the direction of the overseer of highways.

CHAP. 197.

AN ACT to amend chapter three hundred and forty-five of the laws of eighteen hundred and seventy-four, entitled "An act in regard to publishing the account of incorporated villages in this State."

PASSED April 29, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and forty-five of the laws of eighteen hundred and seventy-four, entitled "An act in regard to publishing the account of incorporated villages in this State," is hereby amended so as to read as follows:

Amending
ch. 345.
Laws 1874,
§ Edm. 902.

§ 1. It shall be the duty of the board of trustees of each of the incorporated villages of this State, to cause to be published, once in each year and twenty days next before the annual meeting, in at least one public newspaper printed in such village or in a public newspaper that is, to all intents and purposes, a village newspaper of more than one village, and that has more than one publication office, one of which is in such incorporated village, a full and detailed account of all money received by them or the treasurer of said village for the account and use thereof, and of all money expended therefor, giving the items of expenditures in full. Should there be no paper published in said village, they shall be required to publish the same, by notice to the tax payers, by posting in five public places in said incorporated limits.

Trustees
to publish
account of
receipts
and
expendi-
tures.

§ 2. This act shall take effect immediately.

CHAP. 205.

AN ACT for the better suppression of vice and of obscene literature.

PASSED April 29, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any agent of the New York Society for the Suppression of vice, upon being designated thereto by the sheriff of any county in this State, may within such county make arrests and bring before any court or magistrate thereof having jurisdiction, offenders found violating the provisions of any law for the suppression of the trade in, and circulation of obscene literature and illustrations, advertisements and articles of indecent and immoral use, as it is or may be forbidden by the laws of this State, or of the United States.

§ 2. This act shall take effect immediately.

CHAP. 206.

AN ACT to amend chapter four hundred and fifty-two of the laws of eighteen hundred and seventy-three, entitled "An act to amend section one of chapter seven hundred and sixty of the laws of eighteen hundred and seventy in reference to acquiring title to real estate for burial purposes."

PASSED April 29, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 452,
Laws 1873,
9 Edm. 615.

SECTION 1. Section one of chapter seven hundred and sixty of the laws of eighteen hundred and seventy is hereby amended so as to read as follows:

Acquiring
title to
real estate
for burial
purposes.

§ 1. It shall be lawful for the common council of any city, the trustees of any incorporated village, or the trustees of any incorporated cemetery association in this State (although such cemetery is disconnected from and out of the limits of any city or village) to acquire by deed, devise, or otherwise, such land as it may require for burial purposes, or in addition to such land as it may already hold, or is authorized to hold, for such purposes; and to hold, use, and possess the same in like manner and with the like rights, privileges and authority, and subject to the like duties and liabilities as apply to the other land so held by such city, village or cemetery incorporation.

§ 2. This act shall take effect immediately.

Ante, vol. 7, p. 777.

CHAP. 208.

AN ACT further to amend chapter four hundred and sixty-six of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of fire insurance companies."

PASSED April 29, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 466,
Laws 1853,
4 Edm. 223,
7 Edm. 746.

SECTION 1. Section nineteen of chapter four hundred and sixty-six of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of fire insurance companies, and amended by chapter four hundred and seventy-six of the laws of eighteen hundred and seventy," is hereby further amended so as to read as follows:

Company
may
increase
capital
stock,
change
name, etc.

§ 19. Any existing fire insurance company, and any company formed under this law, may at any time, with the written consent of the Superintendent of the Insurance Department, increase the amount of its capital stock, change its name, or avail itself of any powers conferred by the provisions of this act or any amendments thereto, after notice given once a week for six weeks in the State paper, and in any newspaper published in the county where such company is located, of such intentions, with the written consent of three-fourths in amount of its stockholders, unless otherwise provided in its charter, or, if a mutual

company, with the unanimous consent of its trustees, unless otherwise provided in its charter, by altering or amending its charter in this respect, and filing such written consent of said superintendent, a copy of its charter, so amended, together with a declaration under its corporate seal, signed by its president and directors, of their desire so to do, with such written consent of three-fourths in amount of its stockholders or the unanimous consent of the trustees as aforesaid to such increase, change of name or acquisition of such additional powers, in the office of the said Superintendent, and upon the same proceedings being had as are required by the tenth section of this act. And whenever any company formed under this law shall have accumulated, and be in possession of, a fund in addition to the amount of its capital stock, and all actual outstanding liabilities in excess of one-half of the amount of all premiums on risks not terminated, such company may increase its capital stock from such fund; and distribute said increase pro rata to the stockholders of such company; provided always, that such increase shall be equal to at least twenty-five per cent of the original capital stock of said company, and shall have been approved by the Superintendent of the Insurance Department, and authorized by at least three-fourths of the board of directors of said company, and provided, also, that any company may hereafter make and declare a dividend, as provided by the provisions of the general insurance act.

§ 2. This act shall take effect immediately.

CHAP. 209.

AN ACT supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies."

PASSED April 29, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any two or more religious corporations, incorporated under the provisions of the third section of chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies," and the several acts amendatory thereof or supplemental thereto, are hereby authorized to unite and consolidate themselves into a single corporation in the manner following.

Corporations may unite,
3 Edm. 68a.

§ 2. The said corporations may enter into an agreement under their respective corporate seals for the union and consolidation of the said corporations, setting forth the terms and conditions thereof, the name of the proposed new corporation, the names of the persons who shall be its church wardens and vestrymen, minister, elders and deacons or trustees, or other officers, as the case may be, until the first annual election of the proposed new corporation, and fixing the day of its annual election.

Agreement for the union.

§ 3. Each of the said corporations may make its separate petition to the Supreme Court for an order for such union and consolidation, setting forth in such petition the reasons for such union and consolidation, the agreement made pursuant to the second section of this act,

Petition to the court.

all its property, real and personal, all its debts and liabilities, and the amount and sources of its annual income.

Meeting of
corporations.

§ 4. A meeting of each of said corporations, to consider and act upon the proposed union and consolidation, and the agreement and petition therefor, shall be called by a notice given in the same manner, and for the same length of time, as is provided for notices of election of trustees, in the said third section of the act hereby amended; and in case the proposed union and consolidation, and the agreement and petition therefor shall receive the approval of three-fourths of the persons entitled to vote at an election of trustees of each of the corporations assembled at such meeting, or at an adjourned meeting, or a subsequent meeting called in like manner, then, and not otherwise, the proposed union and consolidation may be proceeded with, and the petition presented to the court.

Order of
the court.

§ 5. Upon such petitions from each of such corporations so proposing to be united and consolidated, and upon the said agreement, and the proceedings of the meetings prescribed in the fourth section, satisfactorily proved or certified, the Supreme Court may, in case it shall deem it proper, make an order for the union and consolidation of such corporations, determining all the terms, conditions and provisions thereof. All parties interested therein may be heard on such petition.

Rights and
powers of
new corporation.

§ 6. When such order is made and entered, according to the practice of the court, the said corporations shall be united and consolidated into one corporation, by the name designated in the order, and it shall have all the rights and powers, and be subject to all the obligations of religious corporations under the act to which this is supplementary, and the acts amendatory thereof and supplementary thereto.

§ 7. And thereupon all the estate, rights and property of whatsoever nature, belonging to either of said corporations, shall, without further act or deed, be vested in and transferred to the new corporation as effectually as they were vested in or belonged to the former corporations, and the said new corporation shall be liable for all the debts and liabilities of the former corporations, in the same manner and as effectually as if said debts or liabilities had been contracted or incurred by it.

§ 8. This act shall take effect immediately.

CHAP. 213.

AN ACT relative to the care and education of deaf-mutes.

PASSED April 29, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 325,
Laws 1863,
6 Edm. 105,
7 Edm. 698,
9 Edm. 98.

SECTION 1. Section one of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three, entitled "An act to provide for the care and education of indigent deaf-mutes under the age of twelve years," as amended by chapter one hundred and eighty of the laws of eighteen hundred and seventy, and chapter five hundred and forty-eight of the laws of eighteen hundred and seventy-one, is hereby further amended so as to read as follows:

§ 1. Whenever a deaf-mute child, under the age of twelve years, shall become a charge for its maintenance on any of the towns or counties of this State, or shall be liable to become such charge, it shall be the duty of the overseers of the poor of the town, or of the supervisors of such county, to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-mutes, or in the Le Couteulx St. Mary's Institution for the Improved Instruction of Deaf-mutes in the city of Buffalo, or in the Central New York Institution for Deaf-mutes in the city of Rome, or in any institution of the State for the education of deaf-mutes.

Deaf
mutes to
be placed
in State
institu-
tion.

§ 2 Section two of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three, as amended by chapter one hundred and eighty of the laws of eighteen hundred and seventy, and chapter five hundred and forty-eight of the laws of eighteen hundred and seventy-one, is hereby further amended so as to read as follows:

§ 2. Any parent, guardian or friend of a deaf-mute child within this State, over the age of six years, and under the age of twelve years, may make application to the overseers of the poor of any town, or to any supervisor of the county where such child may be, showing by satisfactory affidavit, or other proof, that the health, morals or comfort of such child may be endangered, or not properly cared for, and thereupon it shall be the duty of such overseer or supervisor to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-mutes, or in the Le Couteulx St. Mary's Institution for the Improved Instruction of Deaf-mutes in the city of Buffalo, or in the Central New York Institution for Deaf-mutes in the city of Rome, or in any institution in the State for the education of deaf-mutes.

On appli-
cation of
parents,
etc.

§ 3. Sections three and four of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three are hereby amended so as to read as follows:

§ 3. The children placed in said institutions, in pursuance of the foregoing sections, shall be maintained therein at the expense of the county from whence they came, provided that such expense shall not exceed three hundred dollars each per year, until they attain the age of twelve years, unless the directors of the institution, to which a child has been sent, shall find that such child is not a proper subject to remain in said institution.

Expense.

§ 4. The expenses for the board, tuition and clothing for such deaf-mute children, placed as aforesaid in said institutions, not exceeding the amount of three hundred dollars per year, above allowed, shall be raised and collected as are other expenses of the county from which such children shall be received; and the bills therefor, properly authenticated by the principal or one of the officers of the institution, shall be paid to said institution by the said county; and its county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county.

§ 5. Sections nine and ten of title one of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the several acts relating to public instruction," is hereby amended so as to read as follows:

Amending
ch. 555,
Laws 1864.

§ 9. Every person resident in this State, between twelve and twenty-five years of age, whose parent or parents, or, if an orphan, whose nearest friend, shall have been a resident in this State for the three years preceding, and who may make application for that purpose, shall

State
pupils.

be received into one of the following named institutions, viz.: the New York Institution for the Instruction of the Deaf and Dumb, the New York Institution for the Improved Instruction of Deaf-mutes, the Le Cousteulx St. Mary's Institution for the Improved Instruction of Deaf-mutes, in the city of Buffalo, or the Central New York Institution for Deaf-mutes in the city of Rome, or in any institution in this State for the education of deaf-mutes.* either of the institutions aforesaid shall be provided with board, lodging and tuition; and the directors of said institution shall receive for each pupil so provided for, the sum of three hundred dollars per annum, in quarterly payments, to be paid by the Treasurer of the State, on the warrant of the Comptroller, to the treasurer of said institution, on his presenting a bill showing the actual time and number of such pupils attending the institution, and which bill shall be signed by the president and secretary of the institution, and verified by their oaths. The regular term of instruction for such pupils shall be five years; but the Superintendent of Public Instruction may, in his discretion, extend the term of any pupil for a period not exceeding three years. The pupils provided for in this and the preceding section of this title shall be designated State pupils, and all the existing provisions of law applicable to State pupils now in said institutions shall apply to pupils herein provided for.

§ 6. This act shall take effect immediately.

Ante, vol 4, p. 304; vol. 7, p. 609. See, also, § 4 of ch. 567, *post*, p. 186.

CHAP. 215.

AN ACT to prevent the mutilation of shade or ornamental trees.

PASSED April 29, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Shade
trees.

SECTION 1. It shall be unlawful for any person or persons whatsoever in this State, to hitch any horse or other animal to, or leave the same standing near enough to, to injure any fruit or forest tree that has been transplanted or used as a shade or ornamental tree around any school-house, church or public building, or along any public highway.

§ 2. Any person or persons guilty of violating the provisions of section one of this act shall be liable to prosecution by any person before any justice of the peace in the town where the offense is committed, and punishable by a fine not exceeding ten dollars nor less than one dollar, besides the costs of the action, and every such penalty, when collected, shall be paid by the justice, one-half to the overseers of the poor of the town in which recovery was had, and the remainder to the complainant, and the same process and means for the collection of the penalties imposed by this act may be issued and had as are now allowed by law for the collection of damages in actions of tort, but no provision of this act shall operate to interfere with any ordinance of the incorporated villages and cities of this State intended to secure the protection of shade trees therein.

§ 3. This act shall take effect immediately.

* So in the original; probably an omission.

CHAP. 223.

AN ACT to amend chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code." Military Code. See ch. 275, Laws 1873, post.

PASSED April 30, 1875; three-fifths being present, and two-thirds of the members in each House present concurring therein.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 5. Section twenty-five of said act is hereby amended so as to read as follows:

§ 25. The Adjutant-General shall have the rank of Major-General; and in the corps of Adjutants-General there shall be an assistant Adjutant-General with the rank of Colonel; and such acting assistants as shall be required may be appointed by the Adjutant-General, with the approval of the Commander-in-Chief; and to each division an assistant Adjutant-General, with the rank of Colonel, to be chief of staff; to each brigade an Assistant Adjutant-General, with the rank of Lieutenant-Colonel, to be chief of staff; and to each regiment an Adjutant with the rank of first lieutenant. Adjutant-General.
Assistants.

§ 8. Section thirty-three of said act is hereby amended so as to read as follows:

§ 33. The Commissary-General of Subsistence shall have the rank of brigadier-general, and in the subsistence corps there shall be to each division a commissary of subsistence with the rank of lieutenant-colonel; and to each brigade a commissary of subsistence with the rank of captain; and to each regiment or battalion a commissary of subsistence with the rank of first-lieutenant; and so many assistant commissaries, with the rank of captain, as in the opinion of the Commander-in-Chief the exigencies of the service may require; such assistant commissaries to be appointed by the Commander-in-Chief on the recommendation of the commissary-general of subsistence, and hold their offices during the pleasure of the Commander-in-Chief. Commissary-General.

§ 11. Section forty-five of said act is hereby amended so as to read as follows:

§ 45. In his annual report, the Inspector-General shall state what general and field officers have been in command of parades and encampments, and what degree of improvement has been attained by both officers and men, and whether the general regulations have been observed, together with such suggestions as he may see fit to make. Report of Inspector-General.

§ 12. Section fifty of said act is hereby amended so as to read as follows:

§ 50. In the absence of the Inspector-General, or in case of his inability to perform his duties, the assistant Inspector-General shall have full power to perform all duties appertaining to the office of the Inspector-General. But nothing in this section shall be so construed as to give any validity to the acts of the assistant Inspector-General in case of the disapproval of the Inspector-General. Assistant Inspector-General.

§ 16. Section seventy-one of said act is hereby amended so as to read as follows:

* See § 6, of article eleven, of the Constitution of the State of New York.

**Election of
Brigadier-
General.**

§ 71. Whenever the office of brigadier-general is vacant in any organized brigade, the Commander-in-Chief shall issue an order for an election to fill the vacancy, and shall designate a major-general, or some other proper officer, to preside at such election; and the officer so designated shall cause a written or printed notice to be served on each of the field officers and the commandants of the separate troops, batteries or companies of infantry, of the brigade in which the vacancy exists, at least ten days previous to the election, specifying the time and place of holding such election.

§ 17. Section seventy-two of said act is hereby amended so as to read as follows:

**Election of
regimen-
tal officer
to fill
vacancy.**

§ 72. Whenever the office of any field officer in any organized regiment or battalion is vacant, the commanding officer of the brigade to which such regiment or battalion belongs shall cause a written or printed notice to be served on the field officers and each commissioned troop, battery or company officer in such regiment or battalion for an election to fill the vacancy. The notice shall specify the time and place of holding the election, and be served at least five days before such election shall take place.

§ 18. Section seventy-seven of said act is hereby amended so as to read as follows:

**Elections,
how con-
ducted.**

§ 77. The officer causing the notice to be given for any of the afore-said elections shall attend at the time and place of holding such elections; he shall organize the meeting and preside thereat, and may, for sufficient cause, adjourn the same from time to time; and in the event of three such meetings having been held resulting in no choice, the vacancy may be filled by the Commander-in-Chief.

§ 19. Section eighty-two of said act is hereby amended so as to read as follows:

Appeals.

§ 82. Every person thinking himself aggrieved by the proceedings at an election for a commissioned officer may appeal, if the election be for a brigadier-general, to the Commander-in-Chief, if for a field officer, to the commanding officer of the division, and in all other cases to the commanding officer of the brigade in which such election may have transpired.

§ 20. Section eighty-four of said act is hereby amended so as to read as follows:

§ 84. Any person concerned may appeal from the decision of the commanding officer of the division or brigade to the Commander-in-Chief, who shall hear and determine such appeal, and, in case it shall be necessary, order a new election.

§ 21. Section eighty-seven of said act is hereby amended so as to read as follows:

**Commis-
sions.**

§ 87. The Commander-in-Chief shall commission all officers duly elected or appointed and entitled to the same, in pursuance of the provisions of this act; and every officer duly commissioned shall, within ten days after his commission shall be tendered to him, or within ten days after he shall be personally notified that the same is held in readiness for him by any superior officer, take and subscribe the oath prescribed in the Constitution of the State; and in case of neglect or refusal to take such oath within the time mentioned, he shall be deemed to have resigned said office, and a new election shall be forthwith ordered to fill his place.

§ 22. Section ninety of said act is hereby amended so as to read as follows:

§ 90. The superior officer who shall receive a commission for any

subordinate officer shall, within fifteen days thereafter, transmit the same to the person entitled to it.

§ 23. Section ninety-one of said act is hereby amended so as to read as follows :

§ 91. Any organized troop, battery or company may, at any regular meeting thereof, elect non-commissioned officers to fill any vacancy therein, and the commandants of troops, batteries or companies may, whenever they deem it necessary, call a special meeting of their respective troops, batteries or companies for the election of non-commissioned officers.

Election of non-commissioned officers.

§ 24. Section ninety-five of said act is hereby amended so as to read as follows :

§ 95. A majority of the votes of all persons present and voting at an election of commissioned officers shall be necessary to a choice; in all other cases a plurality shall be sufficient.

Election of commissioned officers.

§ 27. Section one hundred and six of said act is hereby amended so as to read as follows :

§ 106. The commanding officer of each regiment or battalion may, in his discretion, enlist or organize a band of musicians, and by warrant, under his hand, may appoint a leader of such band, with the rank of sergeant-major.

Amended by ch. 547, Laws 1880.

Musicians.

§ 28. Section one hundred and eleven of said act is hereby amended so as to read as follows :

§ 111. The provisions of this article shall only apply to musicians employed in bands provided for in this article.

§ 29. Section one hundred and twelve of said act is hereby amended so as to read as follows :

§ 112. Every commissioned officer shall provide himself with arms, uniform, and equipments, and every non-commissioned officer, musician and private shall provide himself with a uniform and equipments according to the rules and regulations prescribed by law, and subject to such restrictions, limitations, and alterations as the Commander-in-Chief may order; but every non-commissioned officer, musician and private shall be furnished, at the expense of the State, with arms; and such uniform, arms and equipments shall in no case be different from those prescribed by the general regulations of the military forces of the State of New York, unless by special authority of the Commander-in-Chief.

Uniforms and equipments.

§ 32. Section one hundred and fifteen of said act is hereby amended so as to read as follows :

§ 115. The Chief of Ordnance shall, under the direction and with the approval of the Commander-in-Chief, cause to be procured the arms and equipments which may, from time to time, be required for the purposes provided in this act in all cases where they are furnished directly by the State. And the Comptroller shall draw his warrant upon the Treasurer, on the certificate of the Adjutant-General, approved by the Commander-in-Chief, for such sums as shall, from time to time, be expended for the purchase or manufacture of said arms and equipments; provided, always, that the prices paid for the same shall in no case exceed the prices paid for arms and equipments of like quality for the army of the United States.

Purchase of arms.

§ 33. Section one hundred and sixteen of said act is hereby amended so as to read as follows :

§ 116. The Chief of Ordnance shall furnish, at the expense of the State, including transportation, on the order of the Commander-in-Chief, to each regularly organized regiment, battalion, troop, battery

To furnish arms and equipments.

or company, of the National Guard, all the necessary arms and equipments suited to the arm of the service to which it belongs in all cases where it is provided that they shall be furnished directly by the State. But no arms or equipments shall be furnished to any company or corps unless such company or corps shall be connected with the regular military organization of the State.

§ 34. Section one hundred and twenty of said act is hereby amended so as to read as follows :

Armories.

§ 120. Whenever it shall appear by the certificate of the commandant of the regiment or battalion to which any troop, battery or company, organized under the provisions of this act, belongs, or, in the case of a separate troop, battery or company, by the certificate of the commandant of the brigade or division to which it is attached, together with the certificate of the Adjutant-General, that such troop, battery or company has reached the minimum number of non-commissioned officers, musicians and privates established by section twelve of this act, who regularly attend the drills and parades of such troop, battery or company, the supervisors of the county in which such troop, battery or company is located, shall, upon the demand of the captain or commandant of such troop, battery or company, countersigned by the commandant of the regiment or battalion to which such troop, battery or company belongs, or in the case of a separate troop, battery or company, by the commandant of the brigade or division to which it is attached, erect or rent, within the bounds of such county, for the use of such troop, battery or company, a suitable and convenient armory, drill-room, and place of deposit for the safe-keeping of the arms, uniforms, equipments, accoutrements and camp equipage furnished under the provisions of this act. Whenever the division commander and the Inspector-General shall deem expedient that a regimental or battalion armory be provided to be used by all the companies of a regiment or battalion, the supervisors of the county in which such regiment or battalion is located shall, upon the demand of the commandant of such regiment or battalion, erect or rent within such county suitable and convenient premises, approved by the division commander, and the Inspector-General, for a regimental or battalion armory, to be used by all the companies of such regiment or battalion, except in places where such accommodation is provided in a State arsenal. In the city and county of New York, on the proper demands, countersigns and certificates as hereinabove provided, the board of aldermen of the city of New York, by a resolution duly passed by a majority of all the members elected to said board, and approved by the mayor, may authorize the purchasing and leasing of lands, and the leasing or erection of buildings for armories and drill-rooms for the use and occupation for military purposes of the National Guard, in the city and county of New York, in the manner hereinafter provided. All leases so authorized must be approved as to their form, terms and manner of execution by the mayor, the president of the board of aldermen, and the comptroller of the city of New York, or a majority of them, and the sums of money reserved for rent therein shall be inserted in the annual tax levy and raised by taxation, as is hereinafter provided in the case of moneys appropriated for the erection of such buildings. A resolution passed and approved as aforesaid may authorize the purchasing and leasing of lands and the erection of buildings for armories and drill-rooms upon lands belonging to the city of New York, other than the public squares and parks of said city, and shall designate the lands to be used for such purpose, and specify the sum appropriated

In New York.

therefor, which sum shall be inserted in the annual tax levy by the board of estimate and apportionment, and raised by taxation upon the estates liable to taxation in said city. The sum appropriated for the purchasing and leasing of lands and the erection of buildings may be inserted in one annual tax levy, or distributed among several, as the board of estimate and apportionment may deem proper. Whenever such a resolution authorizing the purchasing and leasing of lands and the erection of buildings for such purpose shall have been passed upon and approved, as aforesaid, the department of public works is hereby authorized and required to proceed with the work of erecting such building on the lands designated in the manner hereinafter provided. As soon as may be after the passage of said resolution as aforesaid, the mayor, the president of the board of aldermen, and the commissioner of public works of said city, or a majority of them, shall meet at the office of the mayor on the call of the latter, and select and employ, as soon as possible, a competent architect to draw plans and specifications for such building, and to superintend the construction and erection of the same, and thereafter when made, or from time to time, such plans and specifications in duplicate shall be submitted to, passed upon, and approved in writing by the mayor, the president of the board of aldermen, the commissioner of public works, and the commandant of the first division of the National Guard, or a majority of them. And thereupon one of such duplicates shall be filed for record with the department of public works. As soon as such plans and specifications shall have been accepted and approved as aforesaid, the department of public works shall proceed forthwith to make and let the contracts for the work and materials required, in the same manner and with like effect as contracts for work and supplies are now by law made and let by the several departments of the city government. All proper expenses, charges and bills for the erection of such building, shall, upon the proper certification of the superintending architect and the commissioner of public works, be paid by the comptroller of the city of New York, out of the appropriation made as herein provided for said purposes.

§ 37. Section one hundred and twenty-three of said act is hereby amended so as to read as follows:

§ 123. Such armory, when erected or rented, shall be under the control and charge of the commanding officer of the regiment, battalion, separate troop, battery or company for which it has been provided; and such commanding officer shall deposit therein all arms and equipments received from time to time for the use of his regiment, battalion, separate troop, battery or company, the chiefs of the general staff departments of the State, and division and brigade commanders and their respective staff officers shall at all times have access to such armory, whenever, in their judgment, the exigencies of the service may require it. Control of armories.

§ 38. Section one hundred and twenty-four of said act is hereby amended so as to read as follows:

§ 124. The commanding officer of each regiment, battalion, or separate troop, battery or company, shall appoint a suitable person to take charge of the armories or places of deposit of his regiment, battalion or separate troop, battery or company, and all uniforms, arms, equipments and other property which shall have been issued under the provisions of this act therein deposited, and to discharge all duties connected therewith, as shall be, from time to time, prescribed by such commanding officer. Keeper.

§ 39. Section one hundred and twenty-five of said act is hereby amended so as to read as follows:

Compensation of keeper.

§ 125. Such person so appointed to take charge of an armory shall receive a compensation not to exceed three dollars per day for the time actually employed in the duties indispensably necessary for the safe-keeping and preservation of the property therein committed to his charge, in armories located in the various cities, and two dollars per day in the armories not located in cities; which compensation, as certified to by the commanding officer appointing such person, under the provisions of the last preceding section, shall be a county charge upon the county in which said armory is situated, and shall be levied, collected and paid in the same manner as other county charges are levied, collected and paid.

§ 40. Section one hundred and twenty-eight of said act is hereby amended so as to read as follows:

Examination of armories.

§ 128. The Chief of Ordnance may, from time to time, require any officer of his department to examine any armory provided as aforesaid, and report to him the condition thereof, and of the arms, equipments and camp equipage and other property therein deposited.

§ 42. Section one hundred and thirty-one of said act is hereby amended so as to read as follows:

Drills and parades.

§ 131. In addition to the annual parade and inspection specified in section one hundred and thirty of this act, there shall be six drills or parades of the National Guard in each year, not less than three of which shall be by regiment, battalion, or separate troop or battery, and at such times and places as the Commander-in-Chief, commandant of division, brigade, regiment or battalion, or separate troop or battery, shall direct, and on the order of the commandants of regiments or battalions, there may be additional parades of their regiments or battalions, but such additional parades shall not exceed four in number in any one year.

§ 45. Section one hundred and sixty-seven of said act is hereby amended so as to read as follows:

Salaries and compensation.

§ 167. The staff of the Commander-in-Chief (except the Adjutant-General, who shall be paid an annual salary of three thousand dollars and his necessary expenses), and the assistants in the several departments, in lieu of all compensation and allowances heretofore provided by law, in time of peace, when upon actual duty under the provisions of this act, either at drills, parades, encampments, lake and sea-coast defense duty, or otherwise, shall be paid such reasonable and just compensation, not exceeding the full pay and allowances of officers of the same rank in the army of the United States, as the Commander-in-Chief shall deem proper, and in no event to exceed the sum of twenty-five hundred dollars per annum, together with their necessary expenses and those of their departments, to be paid by the State upon the certificate of the Commander-in-Chief, showing a detailed statement of such services and expenses.

§ 47. Section one hundred and eighty of said act is hereby amended so as to read as follows:

Auditing board.

§ 180. The commandant of each division or brigade shall, from time to time, as he shall deem necessary, convene the auditing board, of which he is president, of each regiment, battalion, or separate troop, battery, or company; and such auditing board, when so convened, shall audit all just and proper claims on the military fund of such regiment, battalion, or separate troop, battery or company, including those for furnishing uniforms and equipments, and shall make their

order on the proper county treasurer, which shall require him to pay such claims out of any moneys in his hands belonging to the military fund of such regiment, battalion, or separate troop, battery, or company; but such order shall not be paid by the county treasurer until after the vouchers in support of such claims shall have been approved by the Adjutant-General.

§ 54. Section two hundred and ten of said act is hereby amended so as to read as follows:

§ 210. Every commissioned officer willfully neglecting to comply with the provisions of section ninety of said act, as amended by this act, shall be liable to pay a fine of not less than twenty-five dollars, to be imposed by the proper court-martial on the complaint of any officer interested.

Fine for non-delivery of commissions.

§ 57. Section two hundred and thirty-six of said act is hereby amended so as to read as follows:

§ 236. Any fine for offenses against the by-laws, rules and regulations of any troop, battery or company of the National Guard, not exceeding the sum of twenty-five dollars, a certified copy of the proceedings relating to the infliction of which has been returned to any division, brigade, regimental or battalion court-martial, may be enforced by such court in the manner hereinbefore provided, due notice being given to the delinquent; and further provided that a certified copy of said by-laws, rules and regulations be filed with the president of such court-martial; and any such fines, when collected, shall be paid over to the treasurer of such troop, battery or company of which the offender or delinquent is a member.

Fines for violation of company by-laws.

§ 58. Section two hundred and fifty-one of said act is hereby amended so as to read as follows:

§ 251. The Commander-in-Chief is hereby authorized to establish and prescribe such rules, regulations, forms and precedents as he may deem proper for the use, government and instruction of the military forces of the State, and to carry into full effect the provisions of this act. Such rules, regulations, forms and precedents shall be published in orders, and from time to time distributed to the commissioned officers of the State, to whom shall also be furnished the books of tactics, and instructions prescribed by the government of the United States and adopted by this State, which books shall be held by them as the property of the State and delivered to their successors in office.

Rules.

§ 61. Subdivision three and subdivision four of section one of said act are hereby amended so as to read as follows:

3. All commissioned officers, who shall have served as such in the militia or the National Guard of this State, or in any one of the United States, for the term of five years; but no officer shall be so exempt unless he shall have been honorably discharged from said service after having served the said term of five years; and, also, all supernumerary commissioned officers who have complied with the provisions of section twenty-four of this act.

Exemption from military duty.

4. Every non-commissioned officer, musician and private who shall have performed service in any regiment, battalion, troop, battery or company of the National Guard for the term of five years and been honorably discharged therefrom.

§ 62. Section two hundred and fifty-four of said act is hereby amended so as to read as follows:

§ 254. Whenever any non-commissioned officer, musician or private, of any troop, battery or company, shall have performed service in such troop, battery or company for the term of five years from the time of his enlistment therein, properly uniformed, armed and equipped

Certificates of discharge on expiration of service.

according to the provisions of this act, he shall be furnished, on application by the commanding officer of such troop, battery or company, with a certificate duly setting forth such facts, which shall, for all purposes, be deemed presumptive evidence thereof.

§ 63. All acts or parts of acts conflicting with the provisions of this act are hereby repealed; but such repeal shall not affect any legal proceedings commenced under such conflicting acts.

§ 64. This act shall take effect immediately.

CHAP. 227.

AN ACT creating the office of Inspector of Public Works

PASSED April 30, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Inspector
of public
works.

Term of
office.

Duties.

Powers.

Compensa-
tion.

Report.

SECTION 1. There shall be an officer known as Inspector of Public Works, who shall be appointed by the Governor and may be removed by him at pleasure. Unless he is sooner removed, he shall hold his office for and during the term of the Governor by whom he is appointed.

§ 2. It shall be the duty of such officer to inspect all works being carried on by or on account of the State, or in which the State shall be interested, and he shall report to the Governor upon all matters pertaining to his office, as often as he shall be called upon by the Governor so to do, and said report, when so made, shall be filed in the Executive department and Auditor's office subject to inspection by any person who may desire to examine the same.

§ 3. Such officer shall have power to inspect all such works, and to examine any book, account or paper relating thereto in the custody of any public officer or board.

§ 4. Such officer may require the attendance of any witness before him to be examined in relation to said works, whenever in the opinion of the Governor the interest of the State requires it, and shall have power to take testimony and administer oaths; and any willful false swearing before such officer is hereby declared to be perjury; and for the purpose of compelling the attendance of witnesses before him, such Inspector may issue subpoenas to be signed by him, which shall be served by any sheriff or constable by said officer thereunto required. Any person duly subpoenaed to attend before such officer, who shall willfully neglect to obey such subpoena shall forfeit to the people of this State the sum of two hundred and fifty dollars, and shall also be deemed guilty of a misdemeanor. Such examination shall be public.

§ 5. Such officer shall receive an annual compensation of five thousand dollars, payable in monthly installments out of the State treasury. He shall also be entitled to be paid his reasonable expenses actually incurred for clerk hire, compensation of experts, fees of witnesses, and other incidental matters in the discharge of his duties, the account thereof to be verified by his oath and audited by the Comptroller, the objects and amounts being subject to the approval, in writing, of the Governor and Comptroller. And such Inspector shall make full report of his proceedings, to the Legislature, on or before the fifteenth day of January of each year.

§ 6. This act shall take effect immediately.

CHAP. 233.

AN ACT to amend chapter four hundred and eighty-nine of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,'" passed April seventeenth, eighteen hundred and fifty-four, and as amended by chapter five hundred and fifty-eight of the laws of eighteen hundred and sixty-nine, entitled "An act for the better security of mechanics and others erecting buildings in either of the counties of this State, except the counties of Erie, Kings, Queens, New York and Onondaga."

PASSED May 1, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and eighty-nine of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,'" passed April seventeenth, eighteen hundred and fifty-four, and as amended by chapter five hundred and fifty-eight of the laws of eighteen hundred and sixty-nine, "entitled "An act for the better security of mechanics and others erecting buildings in either of the counties of this State, except the counties of Erie, Kings, Queens, New York and Onondaga," is hereby amended so as to read as follows:

§ 1. Any person who shall hereafter perform any labor in erecting, altering or repairing any house, building or appurtenances to any house, building or building lot, including fences, side-walks, paving, wells, fountains, fish-ponds, fruit and ornamental trees and every improvement whatever to any such house, building or building lot in either of the counties of this State, except Kings, Queens, New York, Onondaga and Rensselaer, and except the city of Buffalo, or who shall furnish any materials therefor, with the consent of the owner, being such owner as is in this section hereinafter described, shall, on filing with the county clerk of the county in which the property is situated, the notice prescribed by the fourth section of this act, have a lien for the value of such labor and materials upon such house, building or appurtenances and upon the lot, premises, parcel or farm of land upon which the same shall stand to the extent of the right, title and interest of the owner of the property, whether owner in fee or of a less estate, or whether a lessee for a term of years thereafter, or vendee in possession under a contract existing at the time of the filing of said notice, or any right, title and interest in real estate against which an execution at law may now be issued under the general provisions of the statutes in force in this state relating to liens of judgment and enforcement thereof.

§ 2. This act shall take effect immediately.

Amending
ch. 489,
Laws 1873,
9 Edm. 620,
7 Edm. 456,
4 Edm. 673.

Mechan-
ic's lien.

CHAP. 242.

AN ACT to amend an act, entitled “ An act for the incorporation of villages,” passed April twenty-fifth, eighteen hundred and seventy.

PASSED May 1, 1875 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 201,
Laws 1870,
7 Edm. 689.

SECTION 1. The twenty-fifth subdivision of section one of title three, of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled “ An act for the incorporation of villages,” is hereby amended so as to read as follows :

Powers
and duties
of trustees.

25. To keep the roads, avenues, streets, lanes, public buildings and public places of the village in good order and repair and condition ; to construct culverts and drains ; to regulate and prescribe the width, line and grade of streets, avenues, lanes and sidewalks ; to pave, plank or flag roads, crosswalks or sidewalks ; lay out and open new roads and streets ; to widen, alter or change the grade, or otherwise improve roads, avenues, streets, lanes and sidewalks ; to drain stagnant waters, and to raise or fill up low grounds, if nuisances, and assess the expense thereof upon the property benefited, in proportion to the amount of such benefit, and to regulate the water-courses, ponds and watering places in the village ; to cause all necessary sewers to be built, and assess the expense thereof upon the property benefited, in proportion to the amount of such benefit. The amount of the benefit in any case, where the same is made the basis of assessment under this section, shall be determined by the president and trustees ; provided, however, that no property beyond the limit of one hundred and seventy-five feet from the line terminus of any such sewer shall be liable to assessment for the expense of building the same ; and provided, also, that no sewer shall be constructed under the provisions hereof except upon a written petition signed by a majority of the persons whose property shall be liable to assessment for said expense. All assessments for the drainage of stagnant waters, the raising or filling up of low grounds, or the building of sewers, under the provisions of this section, shall be enforced and collected in the same manner as assessments for the annual village tax.

§ 2. This act shall take effect immediately.

CHAP. 246.

AN ACT to amend chapter ninety-seven of the laws of eighteen hundred and seventy-five, entitled "An act providing for the forfeiture of property in certain cases."

PASSED May 4, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The second section of chapter ninety-seven of the laws of eighteen hundred and seventy-five, entitled "An act providing for the forfeiture of property in certain cases," is hereby amended so as to read as follows:

Amending
ch. 97,
Laws 1875,
ante, p. 60.

§ 2. The officer, after taking possession of such animals, or implements, or other property, pursuant to the preceding section, shall apply to the magistrate before whom complaint is made against the offender violating such provision of law, for the order next hereinafter mentioned, and shall make and file an affidavit with such magistrate, stating therein the name of the offender charged in such complaint, the time, place and description of the animals, implements or other property so taken, together with the name of the party who claims the same, if known, and that the affiant has reason to believe and does believe, stating the grounds of such belief, that the same were used or employed, or were about to be used or employed, in such violation, and will establish the truth thereof upon the trial of such offender. He shall then deliver such animals, implements or other property, to such magistrate, who shall thereupon, by order in writing, place the same in the custody of an officer or other proper person in such order named and designated, to be by him kept until the trial or final discharge of the offender, and shall send a copy of such order, without delay, to the district attorney of the county. The officer or person so named and designated in such order shall immediately thereupon assume such custody, and shall retain the same for the purpose of evidence upon such trial, subject to the order of the court before which such offender may be required to appear, until his final discharge or conviction. Upon the conviction of such offender the animals, implements or other property shall be adjudged by the court to be forfeited. In the event of the acquittal or final discharge, without conviction, of such offender, such court shall, on demand, direct the delivery of the property so held in custody to the owner thereof.

Officer to
apply for
order.

To deliver
property
to magis-
trate.

Magistrate
to issue
order.
Person
named to
assume
custody.

§ 2. This act shall take effect immediately.

CHAP. 251.

AN ACT for the support and maintenance of prisoners confined upon civil process.

PASSED May 6, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Repealed by Laws 1877, ch. 417, § 1, sub. 49.

Supervisors may contract with sheriffs.

§ 2. The board of supervisors of the counties of this State are hereby authorized and empowered to contract with the sheriff of said counties, or the jailer of the common jail therein, for the support and maintenance of such persons as may be confined in such jail upon any writ, process, or proceeding as stated in the first section of this act, and such sheriff or jailer shall attach to all bills rendered for such support and maintenance, a list, under oath, of the number and names of the persons to whom such support and maintenance was furnished, and the length of time each person was so supported.

§ 3. Nothing in this act shall be construed as repealing the present provisions of law relating to the care, custody, support or maintenance of such prisoners in the counties of Kings and Monroe.

§ 4. Repealed by Laws 1877, ch. 417, § 1, sub. 49.

§ 5. This act shall take effect immediately.

CHAP. 256.

AN ACT relating to the consolidation of certain railroad companies.

PASSED May 7, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consolidation with Pennsylvania companies.

SECTION 1. Any railroad company organized under the laws of this State may merge and consolidate its capital stock, franchises and property with the capital stock, franchises and property of any railroad company or companies organized under the laws of the State of Pennsylvania, whenever the two or more railroads of the companies or corporations so to be consolidated shall or may form a continuous line of railroad.

Consolidation, how effected.

§ 2. Such consolidation shall be effected in the manner provided for by an act entitled "An act to authorize the consolidation of certain railroad companies," passed May twentieth, eighteen hundred and sixty-nine, and also subject to the laws of the State of Pennsylvania.

§ 3. At any meeting of the stockholders of any such company or corporation to consider any agreement or proposition to consolidate, the commissioners or other officer of any municipal corporation holding or having charge of any of the capital stock of such railroad company or corporation shall represent such municipal corporation, and may act and vote in person or by proxy on all matters relating to such consolidation in the same manner as individual stockholders.

Stock of municipal corporation, how represented.

§ 4. This act shall take effect immediately.

Corporations organized under the act of 1869, ch. 917, mentioned in the foregoing act, are domestic and not foreign corporations, and are subject to the laws relating to domestic corporations. *Matter of Sage*, 70 N. Y. 220.

That generally the effect of consolidation, as distinguished from an union by merger of one company into another, is to work a dissolution of the companies consolidating, and to create a new corporation out of the elements of the former, is asserted in many cases. In *McMahan v. Morrison*, 16 Ind. 172, the effect of a consolidation was said to be "a dissolution of the corporations previously existing, and, at the same instant, the creation of a new corporation with property, liabilities, and stockholders derived from those then passing out of existence," and this was approved in *Clearwater v. Meredith*, 1 Wall. 40. So in *Lauman v. The Lebanon Valley R. R. Co.*, 30 Penn. St. 42, the court said: "Consolidation is a surrender of the old charter by the companies, the acceptance thereof by the legislature, and the formation of a new company out of such portions of the old as enter into the new."

But the consolidation of two railroad companies does not necessarily work a dissolution of both, and the creation of a new corporation; whether such will be its effect depends upon the legislative intent manifested in the statute under which the consolidation takes place. *Central R. R. Co. v. Georgia*, 92 U. S. 665.

Where three companies—one of which owned a railroad in Pennsylvania, one in Delaware and one in Maryland, were consolidated under the legislation of those States, and the act of Delaware declared that the respective companies should constitute one company, and be entitled to all the rights, privileges and immunities which each and all of them possessed under their respective charters; and the charter of the Maryland company had exempted the shares of stock from taxation. It was held that the provisions of the Delaware act did not affect its power of taxation upon the property of the new company in that State; that the new company stood in each State as the original company had stood in that State, invested with the same rights and subject to the same liabilities. *The Delaware Railroad Tax Cases*, 18 Wall. 206.

In *Railroad v. Maine*, 96 U. S. 499, two railroads were consolidated under a statute conferring on the new corporation "all the powers, privileges and immunities," theretofore possessed by each; subsequently this new corporation and those other companies were consolidated under a statute containing the same provision. The original companies were subject to a special tax only upon their net income, and were required to keep certain books and make certain reports for the ascertainment thereof. It was held, that the new consolidated company was not entitled to the immunity of the original companies from general taxation, because it was not required to, and could not make the reports and give the information required of the original companies.

See *Atlantic and Gulf R. R. Co. v. Georgia*, 19 Alb. L. J. 135, recently decided by the Supreme Court of the United States.

Ante, p. 62, vol. 7, p. 529, *post*, p. 912.

CHAP. 257.

Drainage
of marsh
lands.

AN ACT to repeal sections six, eight, nine, ten, eleven, twelve, thirteen and fifteen, and the preamble of chapter eight hundred and sixty-four of the laws of eighteen hundred and sixty-eight, entitled "An act to authorize the drainage of marshlands," passed June ninth, eighteen hundred and sixty-eight; also chapter two hundred and eighty-two of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act, entitled 'An act to authorize the drainage of marshlands,'" passed April twenty-second, eighteen hundred and sixty-nine, and for the repayment to said Marshland Company of moneys paid by them into the treasury of the State, in pursuance of said chapter eight hundred and sixty-four of the laws of eighteen hundred and sixty-eight.

PASSED May 8, 1875; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections six, eight, nine, ten, eleven, twelve, thirteen and fifteen, and the preamble of chapter eight hundred and sixty-four of the laws of eighteen hundred and sixty-eight, entitled "An act to authorize the drainage of marshlands," passed June ninth, eighteen hundred and sixty-eight; and also chapter two hundred and eighty-two of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act, entitled 'An act to authorize the drainage of marshlands,'" passed April twenty-second, eighteen hundred and sixty-nine, are hereby repealed.

§ 2. The Commissioners of the Land Office are hereby authorized and empowered to examine any claim for damages of the said Marshland Company, founded on amounts actually expended or liabilities actually incurred by said company under said acts or either of them, and report to the next Legislature.

Ante, vol. 7, p. 435.

CHAP. 267.

Clubs. **AN ACT** for the incorporation of societies or clubs for certain lawful purposes.

PASSED May 12, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Manner of
incorpora-
tion.
Amended
1874, ch. 58,
post.

SECTION 1. Any five or more persons of full age, citizens of the United States, a majority of whom are also citizens of this State, who desire to form themselves into a society or club for social, mutual, benefit, benevolent, temperance, politics, economic, patriotic, gymnastic,

athletic, military drill, musical, dramatic, literary, artistic, yachting, hunting, fishing, bathing or lawful sporting purposes, may sign and acknowledge, before any officer authorized to take the acknowledgment of deeds in this State, and to file in the office of the Secretary of State, and also in the office of the clerk of the county in which the office of such society or club shall be situated, a certificate, in writing, in which shall be stated the name or title by which such society shall be known in law, the particular business and object of such society, the number of trustee directors or managers to manage the same, and the names of the trustees, directors or managers for the first year of its existence, but such certificate shall not be filed unless by the written consent and approbation of one of the Justices of the Supreme Court of the district in which the principal office of such society or club shall be located, to be indorsed on such certificate; but nothing in this act contained shall authorize the incorporation of any society or club for any purpose repugnant to any statute of this State or prohibited thereby.

§ 2. Upon filing a certificate as aforesaid, the persons who shall have signed and acknowledged such certificate, and their associates and successors, shall thereupon, by virtue of this act, be a body politic and corporate by the name stated in such certificate, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued; and they and their successors may have and use a common seal, and may alter and change the same at pleasure; and they and their successors by their corporate name shall, in law, be capable of taking, receiving, purchasing, leasing and holding real estate for the purposes of their incorporation, and for no other purpose, to an amount not exceeding the sum of five hundred thousand dollars in value, exclusive of the buildings and improvements thereon, and personal estate for like purposes to an amount not exceeding the sum of one hundred and fifty thousand dollars in value exclusive of the buildings and improvements on its said real estate and the furnishing of its club house, but the clear annual income of such real and personal estate shall not exceed the sum of fifty thousand dollars; to make and adopt a constitution, by-laws, rules and regulations for the government of said corporation, and for the admission, voluntary withdrawal, censure, suspension and expulsion of its members, for the establishing and collection of the fees and dues of its members the number and election of its officers, and to define their duties and compensation, and for the safe-keeping of its property and from time to time to alter, modify or change such constitution, by-laws, rules and regulations; provided, however, that no constitution, by-laws, rules or regulations shall be made or adopted by said corporation which shall be inconsistent with the Constitution and laws of the United States or of this State. The by-laws of any society or club for yachting purposes may provide that the qualified voters of such society or club be limited to the owners of yachts in such manner that the owners of each yacht shall together cast but one vote in the meetings of such society or club, and in the election of its officers, trustees, directors or managers.

Powers and duties.

May take and hold real and personal estate.

Constitution and by-laws.

§ 3. The membership of any person in said society or corporation shall be determined by his death or by his voluntary withdrawal therefrom or by expulsion therefrom, and the manner of such withdrawal or expulsion of members shall be determined and provided by the by-laws of said corporation, and upon such death, withdrawal or

Membership.

expulsion all and every right, title and interest of the person whose membership is so determined, in or to or by reason of the said corporation, by reason of his former membership therein or in, or to its property or effects, shall at once cease and be forever at an end.

**Trustees
or direc-
tors.**

Amended
1880, ch. 98,
post, p. 918.

§ 4. The society so incorporated may elect from its members its trustees, directors or managers; and the trustees, directors or managers so elected may divide the whole number of trustees, directors or managers into classes, so that not less than one-fourth of their number shall be elected annually, after the first organization of any board of such trustees, directors or managers. Such elections may be held at such time and place and in such manner as may be specified in the by-laws; and such board shall have the control and management of the affairs and funds of said society, a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen among such trustees, directors or managers, by death, resignation or neglect to serve, such vacancy shall be filled in such manner as shall be provided by the by-laws of such society. The number of trustees, directors or managers in any corporation organized under this act may, at any time, be increased to not more than twelve or diminished to not less than five, as follows: The existing trustees, directors or managers of any such corporation, or a majority of them, shall make and sign a certificate declaring how many trustees, directors or managers the corporation shall thereafter have, and stating the names of such trustees, directors or managers for the present time, which certificate shall be acknowledged by the trustees, directors or managers signing the same, or proved by a subscribing witness, and shall be filed in the office of the clerk of the county where the original certificate of incorporation was filed, and a duplicate or transcript thereof, duly certified under the official seal of such clerk, shall be filed in the office of the Secretary of State; and from and after the filing of such certificate and duplicate or transcript, the trustees, directors or managers of such corporation shall be deemed increased or diminished to the number therein stated, and the persons so named therein shall be trustees, directors or managers until a new election thereof shall be had according to this act and the constitution, by-laws or regulations of such corporation. But no action of the trustees, directors or managers, changing the number of such trustees, directors or managers, shall be valid, until ratified by a majority of the members of such corporation called for that purpose.

**Failure to
elect
trustees.**

§ 5. In case it shall at any time happen that an election of trustees, directors or managers shall not be made on the day designated by the by-laws, said society for that cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election for trustees, directors or managers in such manner as may be directed by the by-laws of such society.

**When this
act not to
apply.**

§ 6. The provisions of this act shall not extend or apply to any association or individuals, who shall in the certificate filed with the Secretary of State, or with the county clerk, use or specify a name or style the same as that of any previously existing incorporated society in this State.

**Devises
and be-
quests to.**

§ 7. Any corporation formed under this act shall be capable of taking, holding or receiving any property, real or personal, by virtue of any devise or bequest contained in any last will or testament of any person whatsoever, the clear annual income of which devise or bequest shall not exceed the sum of ten thousand dollars; provided, no person

leaving a wife, or child, or parent, shall devise or bequeath to such institution or corporation more than one-fourth of his or her estate, after payment of his or her debts, and such devise or bequest shall be valid to the extent of such one-fourth, and no such devise or bequest shall be valid in any will which shall not have been made and executed, at least two months before the death of the testator.

§ 8. The trustees, directors or managers of any society or corporation organized under the provisions of this act, shall be jointly or severally liable for all debts due from said society or corporation, contracted while they are trustees; provided, said debts are payable one year from the time they shall have been contracted; and provided, a suit for the collection of the same shall be brought within one year after the debt shall become due and payable. Liability for debts

§ 9. All institutions formed under this act, together with their books and vouchers, shall be subject to the visitation and inspection of the Justices of the Supreme Court, or by any person or persons who shall be appointed by the Supreme Court for that purpose; and it shall be the duty of the trustees, or a majority of them, in the month of December in each year, to make and file in the county clerk's office where the original certificate is filed, a certificate under their hands stating the names of the trustees and officers of such association or corporation, with an inventory of the property, effects and liabilities thereof, with an affidavit of the truth of such certificate and inventory, and also an affidavit that such association or corporation has not been engaged, directly or indirectly, in any other business than such as is set forth in the original certificate on file. Subject to Supreme Court.
Trustees to make report.

§ 10. Each corporation formed under this act shall possess the general powers conferred by and be subject to the provisions and restrictions of the third title of the eighteenth chapter of the first part of the Revised Statutes, except as the same are modified by this act. General powers.
§ Alb. L. J.
226: 15 Am
Rep. 27: 10
Eng. Rep.
385: 4 Abb.
N. C. 800.

§ 11. The Legislature may, at any time, amend, annul, or repeal any incorporation formed or created under this act.

§ 12. This act shall take effect immediately.

CHAP. 303.

AN ACT to protect the owners of bottles, boxes, baskets, casks and siphons, used in the sale of soda waters, mineral waters, porter, ale, cider, ginger ale, small beer, lager beer, white beer, or other similar beverages.

PASSED May 14, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All persons and corporations engaged in the manufacture, bottling, packing in boxes, baskets or casks, or in the sale of soda waters, mineral waters, porter, ale, cider, ginger ale, small beer, lager beer, white beer, or other similar beverages in siphons or bottles packed in boxes, baskets or casks, or unpacked with their name or names or other marks or devices branded stamped, engraved, etched, blown, impressed or otherwise produced upon such bottles, siphons, Trade names and marks, how protected.

boxes, baskets, casks, or upon the faucets, stoppers, corks or other thing connected therewith, and appertaining thereto, may file in the office of the clerk of the county in which the principal place of business of such person or persons or corporation is situated, and in the office of Secretary of State a description of the names and marks so used by them respectively and cause such description to be published once in each week for three weeks successively in such county, except the city and county of New York and the city of Brooklyn in the county of Kings, where each publication shall be made for the same time (Sundays excepted), in two daily newspapers published in the cities of New York and Brooklyn, respectively.

Penalty
for violat-
ing.

§ 2. It is hereby declared to be unlawful for any employee, corporation, person or persons hereafter, without the written consent of the person, firm or corporation as owner thereof, to fill with soda water, mineral water, porter, ale, cider, ginger ale, small beer, lager beer, white beer or other beverages, any such siphon or bottle so marked, or to deface, file off, turn off, or by other means obliterate or efface the names, marks or devices thereon with intent to sell, or to sell, dispose of, buy, or traffic in any such siphons, bottles, boxes, baskets, casks, faucets, stoppers, corks, or other thing connected therewith, or appertaining thereto so marked, branded, stamped, engraved, etched, blown, impressed or otherwise produced thereon, and not bought by him, her, them, or it, of such owners thereof. Any person or corporation offending against the provisions thereof, shall be deemed guilty of a misdemeanor, and shall forfeit to the party aggrieved a sum not exceeding twenty-five dollars for each and every offense.

Search-
warrants.

§ 3. The fact of any person other than the rightful owner thereof without such written permission as aforesaid, using such siphons, bottles, boxes, baskets, casks, faucets, stoppers, corks or other thing, connected therewith, or appertaining thereto, or having the same in his, her, their, or its premises, or in his, her, their or its possession with intent to sell or for the sale therein or thereby of any soda water, mineral water, porter, ale, cider, ginger ale, small beer, lager beer, white beer, or other similar beverage, and any such owner or the agent of such owner who shall make oath or affirmation before any magistrate that he has reason to believe and does believe that any of such siphons, boxes, baskets, caskets, faucets, stoppers, corks, or other thing connected therewith and appertaining thereto, belonging to him, them, or it, marked, branded, stamped, engraved, etched, blown, impressed, or otherwise produced thereon, and registered as aforesaid, are being unlawfully used by any corporation, person or persons selling or manufacturing soda water, mineral water, porter, ale, cider, ginger ale, small beer, lager beer, white beer, or other similar beverages, or that any junk dealer, manufacturer or vender of bottles, boxes, baskets, casks, faucets, stoppers or corks, shall have any of such siphons, bottles, boxes, baskets, casks, faucets, stoppers or corks, secreted upon his premises, or in any other place, or is or has become unlawfully possessed thereof, or has defaced, filed off, turned off, or, by other means, obliterated or effaced the names, marks or devices thereon, or on any of the same with unlawful intent, then the said magistrate shall thereupon proceed to obtain the same under the existing provisions of law in relation to search warrants, which are hereby declared to fully relate to the purposes of this act.

Repeal.

§ 4. All acts and parts of acts inconsistent herewith are for the purposes of this act hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 305.

AN ACT to amend title two, chapter ten, part three of the Revised Statutes, entitled "Of security for the payment of costs."

PASSED May 14, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of title two, chapter ten, part third of the Revised Statutes, is hereby amended so as to read as follows, viz.:

§ 4. Such security shall be given in the form of a bond, in a penalty of at least two hundred and fifty dollars, with one or more sufficient sureties, to the defendant, conditioned to pay on demand all costs that may be awarded to the defendant in such suit; and in case it shall be made to appear to said court, or any judge thereof, at any stage of the litigation after the filing of said bond as in the next section provided, that the penalty thereof is insufficient, or that the surety, or sureties, on said bond, or either of them, have died or become insolvent, the said court, or any judge thereof, shall make an order requiring the filing of another bond in the penalty of a sum sufficient to cover the costs and disbursements already accrued and incurred in the action, and the costs and disbursements probably to accrue, and be incurred, in the further progress of the action, with one or more sufficient sureties, conditioned to pay on demand to the defendant, his representatives or assigns, all costs that may be awarded against the plaintiff in such action, and that all proceedings on the part of the plaintiff be stayed until such further bond be filed, and the sureties shall justify, if excepted to; and in case of the failure of the plaintiff to cause said further bond to be filed within twenty days after service upon his attorney of a copy of said order, or of the surety, or sureties, on said further bond to justify as in the sixth section of this title provided, the defendant shall be entitled, on notice, to the plaintiff's attorney, and on proof, by affidavit, of the facts, to an order that the plaintiff's action, or the proceeding therein then pending, be discontinued, and to a judgment on said order against the plaintiff for his costs and disbursements.

§ 2. Section five of the aforesaid title, is hereby amended so as to read as follows:

§ 5. The said bond or bonds shall be filed with the clerk of the court, and notice thereof be given to the defendant or his attorney. Within twenty days after the service of such notice, the defendant may except to the sufficiency of the sureties by giving notice of such exception to the plaintiff's attorney.

§ 3. This act shall take effect immediately.

Repealed by L. 1880, ch. 245. See Co. Civ. Proc., §§ 3272-3277.

Amending
§ R. S. 620,
§ 4.
Security
for costs,
how given.
2 Edm. 644.

Amending
§ R. S.
620, § 5.
Bond to
be filed
Excep-
tions

CHAP. 308.

AN ACT to amend chapter six hundred and sixty-one of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the support and care of State paupers."

PASSED May 14, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 661,
Laws 1873,
9 Edm. 700

SECTION 1. Section four of chapter six hundred and sixty-one of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the support and care of State paupers," is hereby amended so as to read as follows:

State pau-
pers to be
removed
to State
alms-
house.

§ 4. The county judge and justices of the peace of the several counties of this State, and all police justices and county superintendents of the poor on satisfactory proof being made that the person so applying for relief is a State pauper, as defined by the first section of this act, shall by warrant cause such person to be removed or conveyed to the nearest State alms-house and such pauper shall be maintained therein until duly discharged. All testimony taken in any such proceeding shall be forwarded by mail within five days thereafter to the secretary of the State board of charities. A verified statement of the expenses incurred by the person in making such removal shall be sent to the said secretary. And the State board of charities shall examine and audit the same and allow such expenses as have been actually and necessarily incurred in making such removal, provided that no allowance shall be made to any person for their time or service in making such removal. All such accounts for expenses in making such removals shall be paid by the State Treasurer on the warrant of the Comptroller, to the person incurring the same; but no such account shall be paid until it shall be certified and allowed by the said State board of charities.

Testimony
to be
mailed
to the
Secretary
of State.
Expense.

§ 2. This act shall take effect immediately.

CHAP. 319.

AN ACT to amend chapter two hundred and sixty-five of the laws of eighteen hundred and forty-eight, entitled "An act to provide for the incorporation and regulation of telegraph companies," passed April twelfth, eighteen hundred and forty-eight.

PASSED, May 14, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 265,
Laws 1848,
3 Edm. 719.

SECTION 1. Section eight of chapter two hundred and sixty-five of the laws of eighteen hundred and forty-eight, entitled "An act to provide for the incorporation and regulation of telegraph companies," is hereby amended so as to read as follows:

Increase
of capital
stock.

§ 8. It shall be lawful for any association of persons organized under this act, by their articles of association, to provide for an increase of their capital and the number of shares of the capital stock

of the association. But if any such association shall have omitted to so provide for an increase of their capital, it shall be lawful, after notice of the intention so to do, published once a week for six weeks successively in the State paper, and in any newspaper of general circulation published in the county where the principal office of such company is located, and, with the written consent of shareholders holding and owning three-fourths in amount of the then capital stock, to provide for an increase thereof, and the number of shares into which the same shall be divided, by an additional certificate specifying such increase and such number, which certificate shall be executed, proved, or acknowledged by the board of directors of such association or a majority of them, and filed as provided in section two of this act. And such certificate may, upon a like notice and consent, also contain a statement of and provision for any desired change in the general route of the lines of the association, designating the route or routes and the points to be connected, and such certificate shall be deemed and taken as a part of the articles of association already filed.

§ 2. This act shall take effect immediately.

CHAP. 322.

AN ACT relating to free instruction in drawing.

PASSED May 14, 1875; three-fifths being present,

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In each of the State normal schools the course of study shall embrace instruction in industrial or free hand drawing.

In State normal schools.

§ 2. The board of education of each city in this State shall cause free instruction to be given in industrial or free hand drawing in at least one department of the schools under their charge.

In city schools.

§ 3. The board of education of each union school free school district incorporated by special act of the Legislature, shall cause free instruction to be given in industrial or free hand drawing in the schools under their charge, unless excused therefrom by the Superintendent of public instruction.

In union schools.

§ 4. This act shall take effect October first, eighteen hundred and seventy-five.

CHAP. 325.

AN ACT to amend chapter twenty-six of the laws of eighteen hundred and seventy-four, entitled "An act authorizing the formation of corporations to secure camp grounds and other property connected therewith for the use of the Methodist Episcopal Church."

PASSED May 14, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter twenty-six of the laws of eighteen hundred and seventy-four, entitled "An act authorizing the formation of corporations to secure camp grounds, and other property connected therewith, for the use of the Methodist Episcopal Church," is hereby amended so as to read as follows:

Amending
ch. 26,
Laws 1874,
9 Edm. 862.

Trustees.**Constitution and rules.****Election of trustees.****Non-resident members.****Stewards to fill vacancies.****Real and personal estate.****When camp ground situated on navigable stream.**

§ 2. Whenever in forming any corporation under this act a greater number of trustees than nine shall be desired, the number of trustees shall be specified in the articles of incorporation, which shall be not less than nine nor more than twenty-one, and shall specify, in said articles, the names of the persons as trustees to manage the affairs of said corporation until others are elected in their places; said trustees shall be divided by lot into three classes, the first class to hold their office for one year; the second class to hold their office for two years; the third class to hold their office for three years. The said corporation, when organized and any camp ground or camp meeting association heretofore organized under the laws of the State of New York, shall have power to adopt a constitution, and to prescribe rules and regulations not inconsistent with the Constitution and laws of the State or of the United States, for the government thereof and for the election of trustees and its officers. One third of the trustees shall be annually elected and vacancies filled in such manner as the constitution of said corporation shall prescribe. When the camp grounds proposed to be selected by such corporation shall be situated upon or near the borders of this State, persons residing out of the jurisdiction of this State may be permitted to join in and become members of said corporation, and shall be eligible to be elected officers thereof. When the number of trustees do not exceed nine, or no constitution is adopted by the corporation prescribing the mode of elections of its trustees and officers, then the district stewards of any presiding elder's district, at their annual meeting, may appoint, from time to time, trustees for such corporation within their district to supply the places of those whose term of office shall expire and to fill vacancies in the number of trustees. And when two or more districts join in such corporation, then the district stewards of each district at their annual meeting, may appoint their equal proportion of said trustees. But in case the number of trustees cannot be equally divided between the districts, then the districts in which the camp ground is located may appoint such trustees.

§ 2. All restrictions imposed upon such corporations heretofore organized under any law of this State relating to the amount of real or personal estate, or the value thereof, which such corporation may hold, are hereby removed, provided the entire annual income shall not exceed the sum authorized by section three of the act hereby amended, unless by their charters they are empowered to hold a larger amount. Whenever any camp ground association shall own land on any of the navigable waters of the State of New York, to be used for camp ground purposes only, the said association shall have authority to regulate the landing of any person, or vessel on said wharves, piers or shore, during the holding of religious services, and may also regulate or prohibit the use of said wharves and piers, or shore during said services by any person or vessel.

§ 3. This act shall take effect immediately.

CHAP. 328.

AN ACT to authorize the payment, in whole or in part, of the bonded indebtedness of any of the towns in this State created in aid of any railroad therein, and to prescribe the mode in which the people thereof shall determine the time and amount of such payment.

Municipal
bonds.

PASSED May 14, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Upon the application in writing of at least twelve citizens, tax payers of any town in this State, addressed to the supervisor of such town, asking for the payment, in whole or in part, of the bonded indebtedness of such town created in aid of any railroad therein, specifying the amount of such indebtedness to be paid, and how much thereof shall be paid annually, and asking also for a vote of the People of such town upon the question, the time and the amount of such payment, the said supervisor shall, at the next annual town meeting to be held in such town, submit such question to the qualified voters of such town and shall take the votes thereof in the manner following, to wit: The said supervisor shall have prepared a suitable book in which shall be transcribed a copy of the aforesaid application, underwritten with the names of the signers thereof, and shall open the same, at the time of the opening of the polls of such town meeting, for the signatures of the qualified voters of such town, by reading aloud to the People the said application and the names of its signers. The said voters, together with other individuals paying taxes in said town, who shall favor such application may, during the time the polls of such town meeting are open, subscribe in such book such transcribed application or may authorize the clerk of such town to subscribe the same for him or her. And any solvent moneyed, manufacturing or other corporation or company formed under the laws of this State and being assessed on real or personal property in such town, shall have all the rights and privileges under this act so far as property representation is concerned, as other tax payers, to be exercised by its chief financial officer.

Payment
of bonded
indebted-
ness of
towns.

§ 2. Immediately after the close of the polls at such town meeting, the said supervisor shall affix his certificate, next succeeding the last named subscribed in such book, to the effect that the persons, whose names are subscribed in such book, are qualified voters of such town or tax payers therein and assented to the proposition submitted in the said application at such town meeting, and shall, forthwith and within five days after such town meeting, transmit the said books so completed to the county judge of his county; and it shall be the duty of said judge forthwith and within ten days thereafter to proceed to take proof as to the relative number and assessed property represented by such voters; and if it shall appear satisfactorily to him that the persons who had so signed said application, and such other tax payers of said town as may then and there appear before him and express a desire to subscribe the same, do represent a majority of the tax payers of said town as shown by the last preceding tax list or assessment roll, and do represent a majority of the taxable property upon said list or roll, he shall so adjudge and determine and cause the same to be entered of

Certificate.

Duty of
county
judge.

record and shall forthwith certify the same to the board of supervisors of his county, to whom he shall also transmit such book with its contents.

Taxes to
pay bonds.

§ 3. It shall thereupon be the duty of the said supervisors, in accordance with the terms and request of such application, to cause to be assessed, levied and collected, in such town as other taxes in such town are assessed, levied and collected, in each year, as the same is designated in such application, such sum or sums as shall be sufficient to pay off and discharge the said bonded indebtedness, either at one time and by one assessment, or by installments of yearly assessments and payments as may be designated in such application.

Money,
how ap-
plied.

§ 4. The money so assessed, levied and collected shall be sacredly applied to the payment of the bonds of such town so given in aid of railroads as designated in such application and to no other purpose whatever; except, that in case there shall not be, of such bonds, as are then due and payable, sufficient in amount to exhaust the whole sum so collected, and the holders and owners of such other bonds, as may not then have matured, shall not be willing to accept payment thereof, the said supervisor shall cause the residue of said money, so collected, after paying such bonds as he may be able to retire, to be invested in such State, county, town, city or village bonds as may have been issued in pursuance of the laws of this State, or in United States bonds, to be deposited with the treasurer of said county as a sinking fund for the redemption and payment of the bonds of such town created in aid of any railroad therein, and the avails of such sinking fund shall be sacredly applied for the payment and redemption of the bonds of such town as the same become due.

§ 5. This act shall take effect immediately.

CHAP. 331.

AN ACT to relieve premises of one person erroneously assessed and taxed in and with the premises of another.

PASSED May 14, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Applica-
tion to
apportion
taxes.

SECTION 1. When the premises of one person shall have been wrongfully assessed and taxed in and with the premises of another, the person aggrieved thereby may, upon application to the county court of the county in which the property is situated, on petition duly verified, and on eight days' notice to the assessors of the town in which the premises are situated, and to the party whose premises are included in such wrongful assessment, his executors or administrators, have his taxes or assessments apportioned by such county court, at a regular term thereof, or at chambers, in such manner as to the said court may seem just and proper.

Duty of
county
court.

§ 2. The said county court shall ascertain the boundaries, the premises and the rate of taxation in said town, and shall fix and specify the amount of said tax or assessment properly chargeable to the petitioner's property, and to the other party chargeable therewith; and the collector or receiver of taxes of the town in which the premises are situated, upon receiving a certified copy of said order, shall forthwith change the tax and assessment books of said town to conform to the apportionment made by said order.

Duty of
collector.

§ 3. The said collector or receiver shall, upon receiving the amount so apportioned upon the premises of said petitioner, receipt for the same in full discharge of the lien thereof upon the property of said petitioner.

§ 4. This act shall take effect immediately.

CHAP. 336.

AN ACT to confirm the title of certain persons to real estate, questioned by reason of alienage of former owners.

PASSED May 14, 1875; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The title of any citizen or citizens of this State to any lands within this State, shall not be questioned or impeached by reason of the alienage of any person or persons, from or through whom such title may have been derived. Provided, however, that nothing in this act shall affect the rights of the State, in any case in which proceedings for escheat have been instituted.

§ 2. Nothing in this act shall affect or impair the right of any heir, devisee, mortgagee, or creditor, by judgment or otherwise.

§ 3. This act shall take effect immediately.

CHAP. 339.

AN ACT to amend an act entitled "An act for the incorporation of villages," passed April twentieth, eighteen hundred and seventy.

PASSED May 15, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirty of title eight of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," passed April twentieth, eighteen hundred and seventy, is hereby amended so as to read as follows :

§ 30. Any village heretofore incorporated may become a corporation under the provisions of this act and possess the powers given thereby, by a vote in favor thereof, at any annual or special election. Such vote shall be taken on a resolution adopted by the board of trustees, submitting the question of incorporation under this act to the qualified electors of the village. All persons, before qualified to vote at an election in such village, may vote at such election. Notice shall be given of such election by the trustees, setting out the resolution to be voted on, as is required to be given by this act in regard to special elections for extraordinary expenditures. If at such election the majority of the ballots cast shall have thereupon the word "Yes," then the village shall become and be incorporated under this act, and shall succeed to and possess all the property, rights of property and the rights of action existing at the time of incorporation under this act in favor of such village; and all actions, proceedings and suits then existing on the part of such village, or against such village, or rights of action against such village then existing shall, after such vote, be unaffected thereby and be subject to the provisions of law under which they originated.

The persons, who had before presided at elections for village

Amending
ch. 291,
Laws 1870,
7 Edm. 706.

Election
to deter-
mine ques-
tion of
incorpora-
tion.

officers in such village, or a majority of them, shall preside at the elections directed in this section, and shall count the ballots and declare the result forthwith and make return setting out the resolutions voted on the notices of election and the number of ballots cast with "Yes" or with "No" thereon, and shall file such return with the clerk of the county in which the village is located within ten days after the election, and verify such return with the oath of the inspectors. Such return or a copy thereof, certified by such county clerk, with his official seal, shall be final and conclusive evidence of such incorporation and the regularity thereof, in all courts and places and in all actions and proceedings. In case it appears from such return that a majority of the ballots were cast with "Yes" thereon, the board of trustees shall, within ten days after filing such return or within ten days after the passage of this act, appoint a special election in such village, to be held within twenty days, for the purpose of electing the officers provided by this act for such village. They shall give ten days' notice of the time and place of such election, which notice shall be published in all the newspapers printed in such village, and by posting the same in six public places in the village. At such election the same persons who are required to act as inspectors of election, at the election above provided for in this section, shall preside as inspectors of election; and such election shall be conducted and its results certified in all respects as regular annual elections are required to be conducted and the results certified under this act; and the persons elected to office at such election shall qualify and be clothed with the same powers and charged with the same duties as if elected at an annual election. The trustees shall submit at such special election the detailed statement required by section eleven of title three of this act. The trustees and other officers elected under the prior charter shall continue in office and discharge their duties under that charter until the election and qualification of the new officers as above provided for.

§ 2. This act shall take effect immediately.

CHAP. 341.

AN ACT to amend chapter three hundred and ninety-five of the laws of eighteen hundred and seventy-three, entitled "An act to alter the system of repairing the highways."

PASSED May 15, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 395,
Laws 1873,
§ Edm. 601.

SECTION 1. Section two of chapter three hundred and ninety-five of the laws of eighteen hundred and seventy-three, entitled "An act to alter the system of repairing the highways," is hereby amended so as to read as follows:

Vote as to
repairing
highway.

§ 2. Upon the written request of twenty-five tax payers of any town, it shall be the duty of any justices of the peace, or other officers who preside at the town election of any such town, to submit to the electors at each annual town election, and the electors of any town may vote at the next regular annual town meeting, upon the question of changing the manner of working the highways. Such vote shall

be by ballots, upon which shall be written or printed, respectively, "for changing the mode of working the highways," and "against changing the mode of working the highways." The ballots shall be deposited in a separate box by themselves, be counted by the inspectors of election or other officers presiding at such town election, and if a majority of the electors shall vote in favor of the proposed change, the town voting therefor may avail itself of the privileges of this act, upon causing a minute of its action to be entered by the town clerk in the town records.

§ 2. This act shall take effect immediately.

See L. 1879, ch. 31, *post*, p. 696.

CHAP. 343.

AN ACT for the incorporation of library societies.

PASSED May 15, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any number of persons not less than five, citizens of the United States, a majority of whom shall also be citizens of this State, who shall desire to associate themselves together for the purpose of founding, continuing and perpetuating a library, may make, sign and acknowledge before any officer authorized to take acknowledgment of deeds in this State, and file in the office of the Secretary of State, and also in the office of the clerk of the county in which the office of such society shall be situated, a certificate in writing, in which shall be stated the name or title by which such society shall be known in law, the business and object of such society, the number of trustees, directors or managers to manage the same, and the names of the trustees, directors or managers for the first year of its existence, and the city or town of the county in which such library shall be located ; but such certificate shall not be filed unless by the written consent and approbation of one of the Justices of the Supreme Court of the district in which said library shall be located, to be indorsed on such certificate.

§ 2. Upon filing a certificate as aforesaid, the persons who shall have signed and acknowledged such certificate, and their associates and successors, shall thereupon, by virtue of this act, be a body politic and corporate, by the name stated in such certificate, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued ; and they and their successors, by their corporate name, shall, in law, be capable of taking, receiving, purchasing and holding real estate by gift, grant or otherwise, for the purposes of their incorporation, and for no other purpose, to an amount not exceeding the sum of fifty thousand dollars in value, and personal estate for like purposes to an amount not exceeding the sum of seventy-five thousand dollars in value ; but the clear annual income of such real and personal estate shall not exceed the sum of ten thousand dollars ; to make by-laws for the management of its affairs not inconsistent with the Constitution and laws of this State or of the United States ; to elect and appoint the officers and agents of such society for the management of its business, and to allow them a suitable compensation.

- By-laws.** § 3. The society so incorporated may prescribe by its by-laws what persons may thereafter become its members and have the right to vote at its meetings, and may annually elect from its members, its trustees, directors, managers, at such time and place and in such manner as may be specified by it in its by-laws, who shall have the control and management of the affairs and funds of said society, a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen among such trustees, directors or managers, by death, resignation or neglect to serve, such vacancy shall be filled in such manner as shall be provided by the by-laws of such society.
- Limitation.** § 4. The provisions of this act shall not extend or apply to any association or individuals who shall in the certificate filed with the Secretary of State, or with the county clerk, use or specify a name or style the same as that of any previously incorporated society in this State.
- Property.** § 5. Any corporation formed under this act shall be capable of taking, holding or receiving any property, real or personal, by virtue of any devise or bequest contained in any last will or testament of any person whosoever, the clear annual income of which devise or bequest shall not exceed the sum of ten thousand dollars; provided no person leaving a wife, or child, or parent shall devise or bequeath to such institution or corporation more than one-fourth of his or her estate after payment of his or her debts, and such devise or bequest shall be valid to the extent of such one-fourth, and no such devise or bequest shall be valid in any will which shall not have been made and executed at least two months before the death of the testator.
- Liability of trustees.** § 6. The trustees of any company or corporation organized under the provisions of this act, shall be jointly and severally liable for all debts due from said company or corporation contracted while they are trustees, provided said debts are payable within one year from the time they shall have been contracted, and provided a suit for the collection of the same shall be brought within one year after the debt shall become due and payable.
- Subject to Supreme Court.** § 7. All institutions formed under this act, together with their books and vouchers, shall be subject to the visitation and inspection of the Justices of the Supreme Court, or by any person or persons who shall be appointed by the Supreme Court for that purpose.
- General powers.** § 8. Each corporation formed under this act shall possess the general powers conferred by and be subject to the provisions and restrictions of the third title of the eighteenth chapter of the first part of the Revised Statutes.
- § 9. The Legislature may at any time amend, annul, or repeal any incorporation formed or created under this act.
- § 10. This act shall take effect immediately.
- See L. 1796, ch. 43; *ante*, vol. 3, p. 834, and L. 1853, ch. 395, vol. 3, p. 839.

CHAP. 352.

AN ACT to amend chapter one hundred and eighty-one of the Abortions.
laws of eighteen hundred and seventy-two, entitled "An act
for the better prevention of the procurement of abortions
and other like offenses, and to amend the laws relative
thereto."

PASSED May 15, 1875; three-fifths being present.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

SECTION 1. Section six of chapter one hundred and eighty-one of Amending
the laws of eighteen hundred and seventy-two, entitled "An act for ch. 181.
the better prevention of the procurement of abortions and other like Laws 1872.
offenses, and to amend the laws relative thereto," is hereby amended 9 Edm. 846.
so as to read as follows:

§ 6. In all prosecutions under and in pursuance of this act, the Dying deo-
dying declarations of the woman whose death is produced by any of larations,
the means hereinbefore set forth, shall be admitted in evidence subject 9 Hun. 118.
to the same restrictions as in cases of homicide.

§ 2. This act shall take effect immediately.

CHAP. 354.

AN ACT to amend chapter forty-seven of the laws of eigh- Religious
teen hundred and twenty-six, entitled "An act to amend an Societies.
act entitled 'An act to provide for the incorporation of
religious societies.'"

PASSED May 15, 1875.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

SECTION 1. Section one of chapter forty-seven of the laws of eigh- Amending
teen hundred and twenty-six, entitled "An act to amend an act ch. 47,
entitled 'An act to provide for the incorporation of religious socie- Laws 1823,
ties,' is hereby amended so as to read as follows: 3 Edm. 688.

§ 1. If any church, congregation or religious society, now or here- Trustees,
after to be incorporated, according to the provisions of the third sec- election of,
tion of the act hereby amended shall neglect or omit, or have neglected
or omitted, at their stated annual election, to choose any one of the
three classes of trustees as mentioned in the sixth section of the said
act, the said church, congregation or religious society, shall not be
deemed and taken to be thereby dissolved; but the trustees then or
now already chosen shall continue to hold their offices until others be
chosen in their stead; and whenever such neglect or omission shall
happen through defect of due notice, or otherwise, the trustees of said
church, congregation or religious society, or a majority of them, shall
immediately thereafter give notice thereof, in writing, to the minister,

or in case of his death or absence, to the elders or church wardens, and in case there shall be no elders or church wardens, then to the deacons or vestrymen of any such church, congregation or society; and the said minister, or in case of his death or absence, one of the said elders or church wardens, deacons or vestrymen shall, in the manner prescribed in the third section of the said act, proceed to notify the members of the said church, congregation or society of such neglect or omission, and appoint the time and place for the election of new trustees to remedy the same, of which election at least fifteen days' notice shall be given in the manner aforesaid, except that it shall be lawful for the religious denomination known as the "United Brethren in Christ," to elect their trustees by the quarterly conference of each circuit, station or mission of said denomination for full terms, or to fill vacancies in office without further notice than the customary notice of such quarterly conference as required by the rules and regulations of such denomination, and the said election shall be held and conducted by the same persons, in the same manner, and the result be certified in like manner as is prescribed in and by the sixth section of the act hereby amended, and by the rules of the "United Brethren Church," and shall have the same force and effect as elections held under and by virtue of said section, and not otherwise.

CHAP. 365.

AN ACT to extend the operation and effect of the act passed February seventeen, eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes."

PASSED May 15, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any three or more persons may organize and form themselves into a corporation in the manner specified and required in and by the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, one thousand eight hundred and forty-eight, for the purpose of constructing and using machines for dredging and filling of land, and dock building, or for the construction and operation of inland wharves and basins, and the purchase, improvement and sale thereof.

§ 2. Every corporation so formed shall be subject to all the provisions, duties and obligations contained in the above-mentioned act, and shall be entitled to all the benefit and privileges thereby conferred.

§ 3. This act shall take effect immediately.

See 3 Edm. 733.

CHAP. 371.

AN ACT to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs.

Savings Banks. Amended 1877, ch. 256, and 1878, ch. 347, 372, and 1879, chs. 432, 437, and 1880, chs. 134 and 267.

PASSED May 17, 1875

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All savings banks or institutions for savings, now existing, or which may hereafter be organized under and by virtue of any law of this State, are hereby declared to be corporations possessed of the powers and functions of corporations generally, and as such shall have power :

Savings banks declared to be corporations.

1. To have perpetual succession by its corporate name.

General powers, 52 How. 394 ; 69 N. Y. 558.

2. To sue and be sued, complain and defend, in any court of law or equity.

3. To make and use a common seal, which may be affixed by making an impression directly on the paper, and alter the same at pleasure.

4. To appoint such officers, managers and agents as the business of the corporation may require.

5. To make by-laws not inconsistent with the laws of this State or of the United States, for the management of its property and the regulation of its affairs.

6. To contract and be contracted with.

7. To receive money on deposit, to invest the same, and further transact the business of a savings bank as hereinafter provided.

8. To exercise any corporate powers necessary to the exercise of the powers above enumerated and given.

§ 2. Any number of persons not less than thirteen, may associate themselves together for the purpose of organizing a savings bank in accordance with the provisions of this act ; but two-thirds of such number of persons shall reside in the county where the proposed bank shall be located.

Not less than 13 associates to organize a savings bank.

§ 3. Such persons, under their hands and seals, shall execute a certificate in which shall be set forth :

Such persons to execute a certificate.

1. The name assumed to distinguish such association and to be used in its dealings, which shall be, in no material respect, similar to the name of any other savings bank, organized and doing business in this State.

2. The place where its business is to be transacted, designating the particular city, village or town, and, if in any city, in the ward of such city.

What such certificate shall contain.

3. The name, residence (if in any city, the street and number), occupation and post-office address of each member of such association.

4. A declaration that each member of such association will accept the responsibilities and faithfully discharge the duties of a trustee

in such institution when authorized according to the provisions of this act.

Such certificate to be executed in duplicate.

When and where to be filed.

Notice of intention to organize to be published.

What shall be specified in such notice.

Copy of notice to be sent to each savings bank in the county.

Indorsement of certificate of association by the superintendent.

When the superintendent shall refuse to file such certificate.

Duty of superintendent in regard to the certificate of association.

Information to be ascertained by the superintendent.

§ 4. Such certificate shall be executed in duplicate, and be duly acknowledged before an officer of this State authorized to take the acknowledgment of conveyances of real estate for record, and shall, within sixty days after such acknowledgment, be filed, one copy in the office of the county clerk of the county wherein such savings bank is proposed to be located, and one copy in the office of the Superintendent of the Banking Department of this State.

§ 5. A notice of intention to organize such savings bank shall be published at least once a week for four weeks previous to filing the certificate of association, as provided in the last preceding section, in at least one newspaper of the largest circulation published in the city, village or town where such savings bank is proposed to be located; or, if there be no newspaper published in such village or town, then in some newspaper published in such county; if none in said county, then in an adjoining county, which notice shall specify the names of the proposed corporators, the name of the proposed savings bank and the location of the same, as set forth in the certificate of association; and if there is any savings bank or banks, organized and doing business in such county, a copy of such notice shall also be sent to each such savings bank so organized and doing business, at least fifteen days before the filing of such certificate of association, as provided for in the last preceding section. *

§ 6. Upon the receipt of any such certificate of association at the office of the Superintendent of the Banking Department, if the same is in due form and duly executed according to the provisions of sections three and four of this act, and is accompanied by evidence satisfactory to the Superintendent of the proper publication and service, in good faith, of the notice required in the last preceding section, he shall forthwith indorse the same over his official signature "filed for examination," with the date of such indorsement.

§ 7. If such certificate shall not be in form and substance as required by section three of this act, or shall not be duly and properly acknowledged, as required by section four of this act, or shall not be accompanied by evidence, satisfactory to the Superintendent, of the publication and service in good faith, according to the intent and purpose of this act, of the notice required by section five of this act, the Superintendent shall refuse to file such certificate, until the same shall be amended in conformity to the provisions of this act.

§ 8. It shall be the duty of the Superintendent of the Banking Department and he shall have power, in regard to any certificate of association, so filed by him as hereinbefore provided, to ascertain from the best sources of information at his command:

1. Whether greater convenience of access to a savings bank will be afforded to any considerable number of depositors by opening a savings bank at the place designated in such certificate.

2. Whether the density of the population, in the neighborhood designated for such savings bank, and in the surrounding country, affords a reasonable promise of adequate support to the enterprise.

3. Whether the responsibility, character and general fitness for

the discharge of the duties appertaining to such a trust, of the persons named in such certificate, are such as to command the confidence of the community in which such saving bank is proposed to be located.

§ 9. If the Superintendent shall be satisfied from his knowledge, or from information gained, concerning the several points named in the last preceding section, that the organization of a savings bank, as proposed in such certificate, will be a public benefit, he shall, within sixty days after the same has been filed by him for examination, issue, under his hand and official seal, a certificate of authorization to the persons named in such certificate, or to them or to a portion of them, together with such other persons, as a majority of those named in such certificate of association shall, in writing, approve; which certificate, so issued by him, shall authorize the persons named therein to open an office for the deposit of savings, as designated in the certificate of association, subject to the provisions of this act: provided, however, that no person shall be named in such certificate of authorization, who shall not have duly made and acknowledged the declaration prescribed in subdivision four of section three of this act.

When certificate of authorization shall be issued.

§ 10. The Superintendent shall transmit such certificate of authorization to the county clerk of the county in which the savings bank so authorized is to be located, who shall file the same and attach it to the certificate of association previously filed by him, relating to the organization of such savings bank; and the Superintendent shall also file a duplicate copy of such certificate in his own office.

Proviso respecting persons to be named in certificate of authorization

Certificate of authorization to be filed by county clerk.

Duplicate to be filed in the bank department.

§ 11. If the Superintendent shall not be satisfied that the establishment of a savings bank, as proposed in any certificate of association filed by him, is expedient and desirable, he shall, within sixty days after the filing of such certificate by him, give notice to the county clerk of the county in which such savings bank is proposed to be located, that he refuses to issue a certificate of authorization for such savings bank, which notice shall forthwith be filed by the county clerk with the certificate of association of such savings bank.

Notice to county clerk of refusal to issue such certificate.

Duty of clerk.

§ 12. Upon the filing of any certificate of authorization of a savings bank as hereinbefore provided, the persons named therein, and their successors, shall thereupon and thereby be duly and lawfully constituted a body corporate and politic, and shall be vested with all the powers and charged with all the liabilities conferred and imposed by this act.

Persons named in the certificate of authorization constituted a body corporate.

§ 13. Before any savings bank, so incorporated, shall be authorized to receive deposits, such corporation shall transmit to the Superintendent of the Banking Department the name, residence and post-office address of each of the officers of such savings bank, and the place where its business is to be carried on, designating the same by street and number when practicable.

Duty of such corporation before receiving deposits.

§ 14. Any savings bank, so incorporated, that shall not organize and commence business within one year after the certificate of authorization of the same has been filed, as hereinbefore provided, shall forfeit its rights and privileges as a corporation under this act; but the Superintendent of the Banking Department may, for satisfac-

Such corporation to commence business within one year.

Term to commence may be extended by the superintendent one year.

Order extending term to be filed by county clerk.

The first trustees of such corporation.

Trustees to elect president and two vice-presidents and other officers.

Vacancies in the board to be filled by trustees.

Trustees shall have power to make by-laws.

Copy of by-laws to be transmitted to the bank department.

Regular meetings to be held as often as once in each month.

Quorum to consist of not less than seven trustees.

President or one of the vice-presidents shall be one of the quorum.

When the office of trustee shall become vacant.

tory cause to him shown, extend the term within which such organization may be effected and such business commenced, but not for a longer period than one year; and the order, so extending such term, shall be under his hand and seal, and shall be transmitted to the county clerk of the county in which such savings bank is to be located, who shall file the same, together with the certificate of association and the certificate of authorization of such savings bank.

§ 15. The persons named in the certificate of authorization, issued pursuant to the provisions of this act, shall be the first trustees of such corporation, and shall have the entire management and control of all the affairs of the corporation, subject to the provisions of this act.

§ 16. The business of every such corporation shall be managed and directed by a board of trustees, of not less than thirteen, who shall elect from their number a president and two vice-presidents, and shall elect or appoint from their number, or otherwise, such other officers as they may see fit; and all vacancies in such board by death, resignation or otherwise, shall be filled by the board of trustees as soon as practicable, at a regular meeting after such vacancies shall occur.

§ 17. The board of trustees of any such corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper, for the election of officers, for prescribing their respective powers and duties, and the manner of discharging the same; for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, to the Constitution and laws of this State, or of the United States; and a copy of the same shall be transmitted to the Superintendent of the Bank Department, who shall also be notified of any amendment or change therein.

§ 18. Regular meetings of the board of trustees shall be held as often as once in each month, for the purpose of receiving the reports of its officers and committees, and for the transaction of other business. A quorum at any regular, special or adjourned meeting, shall consist of not less than seven trustees, of whom the president shall be one, except where he is prevented from attending any meeting by sickness, or other unavoidable detention, when he may be represented, in forming a quorum, by the first vice-president, who, in case of his absence for like cause, may be represented by the second vice-president; but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

§ 19. Whenever a trustee of any savings bank shall hereafter become a trustee, officer, clerk or employee in any other savings bank, or upon his borrowing, directly or indirectly, any of the funds of the savings bank of which he is trustee, or becoming a surety or grantor* for any money borrowed of or loan made by such savings bank, or upon his failure to attend the regular meetings of the board, or to perform any of the duties devolved upon him as such trustee, for six successive months, without having been previously excused

* So in the original. Should be guarantor.

by the board for such failure, the office of such trustee shall thereupon immediately become vacant; but the trustee vacating his office by failure to attend meetings or to discharge his duties, may, in the discretion of the board, be eligible to a re-election.

§ 20. The trustees of any such corporation shall have power to require from the officers, clerks and agents of the corporation such security for their fidelity and the faithful performance of their duties, as they shall deem necessary, and to fix the salaries of such officers and agents, subject to the provisions of this act.

§ 21. No trustee of any such corporation shall have any interest whatever, direct or indirect, in the gains or profits thereof, nor as such, directly or indirectly, receive any pay or emolument for his services, except as hereinafter provided; and no trustee or officer of any such corporation shall, directly or indirectly, for himself, or as the agent or partner of others, borrow any of its funds or deposits, or in any manner use the same, except to make such current and necessary payments as are authorized by the board of trustees; nor shall any trustee or officer of such corporation hereafter become an indorser or surety, or become in any manner an obligor for moneys loaned by or borrowed of such corporation.

§ 22. It shall be lawful for any savings bank to receive on deposit any sum or sums of money that may be offered for that purpose, by any person or persons, or by any corporations or societies, and to invest the same, and declare, credit and pay dividends thereon, as hereinafter authorized and provided, and not otherwise.

§ 23. The sums so deposited, together with any dividends or interest credited thereto, shall be repaid to such depositors respectively, or to their legal representatives, after demand, in such manner, and at such times and after such previous notice, and under such regulations as the board of trustees shall prescribe, which regulations shall be put up in some conspicuous place in the room where the business of such corporation shall be transacted, and shall be printed in the pass-books or other evidence of deposit furnished by the corporation, and shall be evidence between the corporation and the depositors holding the same, of the terms upon which the deposits therein acknowledged are made: Provided, that every such corporation shall have the right to limit the aggregate amount, which any one person or society may deposit, to such sum as they may deem it expedient to receive, and may, in their discretion, refuse to receive a deposit, and may also at any time return all or any part of any deposit; nor shall the aggregate amount of such deposits to the credit of any one individual or corporation at any time, exceed five thousand dollars exclusive of accrued interest, unless such deposit was made prior to the passage of this act, or pursuant to the order of a court of record, or of a surrogate.

§ 24. Whenever any deposit shall be made by or in the name of any person being a minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever except creditors, and shall be paid, together with the dividends or interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance

Trustees may require security of officers, clerks and agents and fix their salaries.

Trustees not to be interested in profits nor to receive pay as such.

Trustee or officer not to borrow the funds, nor become surety for money loaned by the corporation.

May receive money on deposit, invest the same and pay dividends thereon.

Deposits, dividends or interest to be repaid under regulations prescribed by trustees.

Regulations shall be printed in pass-books or other evidence of deposit. Proviso, concerning deposits.

Not to exceed \$5,000 exclusive of interest. Exception.

Deposits made in the name of a minor or female, married or unmarried, to be held for their benefit.

Receipt of such minor or female shall be a sufficient discharge. Deposits in trust, when trustee is dead.

Proceedings in court.

Wife may testify.

Deposits subject of action, may remain on interest.

Question of costs in discretion of court.

Investments.

In obligations of the U. S. Amended 1879, ch. 437, post.

Stocks or bonds of New York State. Stocks or bonds of certain other States.

Stocks or bonds of city, county, town or village in this State.

of such minor or female shall be a valid and sufficient release and discharge for such deposit, or any part thereof to the corporation. And whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the bank, in the event of the death of the trustee, the same or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom the said deposit was made.

§ 25. In all actions in any court of this State, against any savings bank by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman. And in all actions against any savings bank to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending may, on the petition of such savings bank, and upon eight days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action, by making such claimants, parties defendant thereto; and the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits which are the subject of the said action may remain with such savings bank, upon the same interest as other deposits of like amount, to the credit of the action until final judgment therein, and the same shall be paid by such savings bank in accordance with the order of the court, or the deposit in controversy may be paid into court to await the final determination of the action, and when so paid into court the corporation shall be stricken out as a party to such action and its liability for such deposit shall cease. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court, and may be charged upon the fund affected by such action; and the statutes limiting the time within which actions shall be commenced shall have no application to actions brought by depositors, their representatives or assigns, against savings banks for deposits made therein.

§ 26. It shall be lawful for the trustees of any savings bank to invest the moneys deposited therein, only as follows, to wit:

1. In the stocks or bonds or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is pledged to provide for the payment of the interest and principal.

2. In the stocks or bonds of this State bearing interest.

3. In the stocks or bonds of any State in the Union that has not, within ten years previous to making such investment by such corporation, defaulted in the payment of any part of either principal or interest of any debt authorized by any Legislature of such State to be contracted.

4. In the stocks or bonds of any city, county, town or village of this State issued pursuant to the authority of any law of this State, or in any interest-bearing obligations issued by the city in which such bank shall be situated.

Sec. 26 was further amended by L. 1880, chs. 184 and 287, *post*, pp. 925, 975.

5. In bonds and mortgages on unincumbered real estate situate in this State, and worth at least twice the amount loaned thereon, but not to exceed sixty per cent of the whole amount of deposits shall be so loaned or invested, but in case the loan is on unimproved or unproductive real estate, the amount loaned thereon shall not be more than forty per cent of its actual value; and no investment in any bond and mortgage shall be made by any savings bank, except upon the report of a committee charged with the duty of investigating the same, and who shall certify to the value of the premises mortgaged or to be mortgaged, according to their best judgment, and such report shall be filed and preserved among the records of the institution.

Bonds and mortgages

Investments in B. & M. not to be made except upon report of committee

6. In real estate, subject to the provisions of section twenty-nine of this act.

Real estate.

§ 27. It shall be the duty of the trustees of any such corporation, as soon as practicable, to invest the moneys deposited with them in the securities named in the twenty-sixth section of this act, except that, for the purpose of making* current payments and expenses in excess of the receipts, there may be kept an available fund of not exceeding ten per cent of the whole amount of deposits with such corporation, and the same may be kept on hand, or on deposit, in any bank or banking association in the State of New York, organized under any law or laws of this State, or of the United States, or with any trust company incorporated by any law of this State, but the sum so deposited in any one bank or trust company shall not exceed twenty-five per cent of the paid-up capital and surplus of such bank or trust company; or such available fund, or any part thereof, may be loaned upon pledge of the securities, or any of them, named in subdivisions one, two, three and four of section twenty-six of this act; but not in excess of ninety per cent of the cash market value of such securities so pledged, nor in excess of the par value thereof; and should any of the securities so held in pledge depreciate in value, after making any loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan, or of a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent of the market value of the securities pledged for the same.

Moneys to be invested as soon as practicable.

Available fund of 10 per cent of deposits.

Deposits in bank or trust co. not to exceed 25 per cent of capital and surplus.

Available fund may be loaned upon securities.

In case of depreciation of securities.

§ 28. It shall further be lawful for any such corporation to deposit temporarily in banks or trust companies, as provided in the last preceding section of this act, the excess of current daily receipts over the payments, until such time as the same can be judiciously invested in the securities named in section twenty-six of this act; and whenever it shall appear to the Superintendent of the Bank Department that the trustees of any such corporation are violating the spirit and intent of the foregoing provision, by keeping permanently uninvested all, or an undue proportion, of the moneys received by them, it shall be his duty to report the facts to the Attorney-General, who shall proceed against such corporation under the provisions of section forty-four of this act.

Temporary deposits in banks or trust companies.

In case undue proportion of money is kept uninvested.

§ 29. It shall be lawful for any such corporation to purchase, hold or convey real estate, only as follows:

Real estate.

* So in the original. Should be meeting.

Banking house.

Cost of such building and lot not to exceed 50 per cent of surplus, except by permission of the Superintendent.

Real estate purchased at sales upon foreclosure of mortgage.

Such real estate to be sold within 5 years.

Superintendent may extend time.

Change of location.

Additional plot for banking house may be purchased.

Moneys deposited not to be loaned upon notes, etc., nor personal securities.

Loans on real estate to be secured by B & M.

Buildings to be insured by mortgagor.

Insurance policy may be renewed by the corporation if mortgagor neglects to do so.

Limitations on business. Amended 1878, ch. 847, post.

1. A plot whereon is erected, or may be erected, a building or buildings requisite for the convenient transaction of its business, and from portions of which, not required for its own use, a revenue may be derived. The cost of such building or buildings and lot in no case to exceed fifty per cent of the net surplus of such corporation, except by written permission of the Superintendent of the Banking Department, except where lots have been heretofore purchased, or where maps, plans and estimates have been made for the purpose of erecting a banking building.

2. Such as shall have been purchased by it at sales upon the foreclosure of mortgages owned by such corporation, or upon judgments or decrees obtained or rendered for debts due to it or in settlements effected to secure such debts; and all such real estate mentioned in the last preceding clause, shall be sold by such corporation within five years after the same shall be vested in it, unless, upon application by the board of trustees, the Superintendent of the Banking Department shall extend the time within which such sale shall be made; and it shall be lawful for any such corporation, with the approval in writing, and under the seal of the Superintendent of the Banking Department, to change its location within the limits of any city or town wherein it may be established; and in effecting such change of location, such corporation owning a banking-house and lot may purchase such additional plot under the provisions of subdivision one of this section as the corporation may require; and such banking-house and lot, previously owned and occupied, shall be sold, as provided in subdivision two of this section, concerning real estate acquired in satisfaction of debts.

§ 30. It shall not be lawful for the trustees of any savings bank to loan the moneys deposited with them, or any part thereof, upon notes, bills of exchange, drafts, or any other personal securities whatever; and in all cases of loans upon real estate, a sufficient bond, secured by a mortgage thereon, shall be required of the borrower, and all the expenses of searches, examinations and certificates of title or appraisals of value, and of drawing, perfecting and recording papers, shall be paid by such borrower.

§ 31. Whenever buildings are included in the valuation of any real estate upon which a loan shall be made by any such corporation, they shall be insured by the mortgagor in such company or companies as the trustees shall direct, and the policy of insurance shall be duly assigned, or the loss made payable, as its interest may appear, to such corporation; and it shall be lawful for such corporation to renew such policy of insurance, in the same, or in any other company or companies, as they may elect, from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the amount paid to the mortgagor. And all the necessary charges and expenses paid by such corporation, for such renewal or renewals, shall be paid by such mortgagor to such corporation, and shall be a lien upon the property so mortgaged, recoverable with interest from the time of payment as part of the moneys secured to be paid by such mortgage.

§ 32. It shall be unlawful for any savings bank, directly or indirectly, to deal or trade in real estate, in any other case or for any other

purpose than as authorized in section twenty-nine of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the terms of this act, and except such personal property as may be necessary in the transaction of its business; and it shall be unlawful for any savings bank, or for any officer, in his regular attendance upon the business of such bank, to in any manner engage in the business, in such bank, of buying or selling exchange, gold or silver, or in the business of collecting or protesting promissory notes or time bills of exchange.

§ 33. It shall be the duty of the trustees of every such corporation to regulate the rate of interest or dividends, not to exceed six per centum per annum, upon the deposits therewith, in such manner that depositors shall receive, as nearly as may be, all the profits of such corporation, after deducting necessary expenses and reserving such amount as the trustees may deem expedient as a surplus fund for the security of depositors, which, to the amount of ten per cent of their deposits, the trustees of any such corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business, from the depreciation of its securities or otherwise; provided, however, that the trustees of any such corporation may classify their depositors according to the character, amount and duration of their dealings with the corporation, and regulate the interest or dividends allowed; in such manner that each depositor shall receive the same ratable proportion of interest or dividends as all others of his class. It shall be unlawful for the trustees of any savings bank to declare or allow interest on any deposit for a longer period than the same has been deposited, except that deposits made not later than the tenth day of the month, commencing any semi-annual interest period, or than the third day of any month, or withdrawn on one of the last three days of the month, may have interest declared upon them for the whole of the period or month when so deposited or withdrawn. No dividends or interest shall be declared, credited or paid except by the authority of a vote of the board of trustees, duly entered upon their minutes, whereon shall be recorded the ayes and nays upon such vote, and whenever any interest or dividends shall be declared and credited in excess of the interest or profits earned and appearing to the credit of the corporation, the trustees voting for such dividend shall be jointly and severally liable to the corporation for the amount of such excess so declared and credited. And it shall be the duty of the trustees of any such corporation whose surplus amounts to ten per cent of its deposits at least once in three years, to divide equitably the accumulation beyond such authorized surplus as an extra dividend to depositors, in excess of the regular dividends hereinbefore authorized.

§ 34. In determining the per cent of surplus held by any savings bank, its interest-paying stocks and bonds shall be estimated at their market value; its bonds and mortgages on which there are no arrears of interest for a longer period than six months shall be estimated at their face, and its real estate at not above cost. Concerning such stocks or bonds, or bonds and mortgages as are in arrears of interest for six months or more, and concerning all other investments not

Interest or dividends on deposits. Amended 1877, ch. 256, post. Surplus fund of 10 per cent of deposits authorized.

Depositors may be divided into classes with respect to dividends.

Unlawful to allow interest on deposits for a longer period than the same has been deposited.

Exceptions. No dividends to be made except by authority of the board of trustees. Trustees voting for dividends in excess of profits.

Extra dividends once in three years.

Determination of per cent of surplus. Amended 1877, ch. 256, post. Concerning valuation of stocks, bonds, and

bonds and mortgages, 18 J. & S. 621.

herein enumerated, the Superintendent of the Banking Department shall determine the valuation of the same, from the best information he can obtain, and he may change valuation thereof, from time to time, according as he may obtain other and further information.

Compensation of trustees acting as officers.

§ 35. It shall be lawful for trustees of such corporation, acting as officers of the same, whose duties require and receive their regular and faithful attendance at the institution, to receive such compensation as in the opinion of a majority of the board of trustees shall be just and reasonable; but such majority shall be exclusive of any trustee to whom such compensation shall be voted; but it shall not be lawful to pay trustees, as such, for their attendance at meetings of the board.

Reports to be made before Feb. 1, each year.

§ 36. Every such corporation shall, on or before the first day of February in each year, make a report in writing to the Superintendent of the Banking Department, and in such form as he shall prescribe, of its conditions on the morning of the first day of January preceding.

What shall be stated in such reports. Amended 1877, ch. 266, post.

§ 37. Such report shall state the amount loaned upon bond and mortgage together with a list of such bonds and mortgages, and the location of the mortgaged premises, as have not previously been reported, and also a list of such previously reported as have since been paid wholly or in part, or have been foreclosed, and the amount of such payments respectively; the cost, par value and estimated market value of all stock investments, designating each particular kind of stock; the amount loaned upon the pledge of securities, with a statement of the securities held as collateral for such loans; the amount invested in real estate, giving the cost of the same; the amount of cash on hand, and on deposit in banks or trust companies, with the names of such banks or trust companies, and the amount deposited in each, and such other information as the Superintendent may require.

Shall also state liabilities.

§ 38. Such report shall also state all the liabilities of such savings corporation on the morning of the said first day of January; the amount due to depositors, which shall include any dividend to be credited to them for the six months ending on that day, and any other debts or claims against such corporation which are or may be a charge upon its assets. Such report shall also state the amount deposited during the year previous, and the amount withdrawn during the same period; the whole amount of interest or profits received or earned and the amount of dividends credited to depositors, together with the amount of each semi-annual credit of interest, and the amount of interest that may have been credited at other than semi-annual periods; the number of accounts opened or reopened, the number closed during the year, and the number of open accounts at the end of the year, and such other information as may be required by the Superintendent.

Other items to be reported.

Report, how verified.

§ 39. Such report shall be verified by the oath of the two principal officers of the institution, and the statement of assets shall be verified by the oath of a majority of the trustees who examined the same, pursuant to the requirements of section forty-five of this act; and any willful false swearing in regard to such reports, or in regard to any reports made to the Superintendent of the Banking Depart-

ment pursuant to the provisions of this act, shall be deemed perjury, and be subject to the prosecutions and punishments prescribed by law for that offense.

§ 40. If any savings bank shall fail to furnish to the Superintendent of the Banking Department any report or statement required by this act, at the time so required, it shall forfeit the sum of one hundred dollars per day for every day such report or statement shall be so delayed or withheld; and the said Superintendent may maintain an action in his name of office to recover such penalty, and, when collected, the same shall be paid into the Treasury of the State, and be applied to the expenses of the Bank Department; but the superintendent may, for sufficient cause, extend the time for making such report not exceeding thirty days.

Penalty for failure to report.

§ 41. No such corporation shall hereafter be required to make any annual or other report to the Legislature, nor to the mayor or commonalty of any city, nor to the board of supervisors of any county, nor to any other officer or authority whatsoever, except as in this act provided and required, any thing in the charter of any such corporation to the contrary notwithstanding, nor shall they be subject to the inspection or supervision of any local officer, or board, nor to any interference from any such local officer or board, in any matters pertaining to the business or dealings of such corporation.

Not required to make report to other authorities.

Not subject to the inspection of or interference from local officer or board.

§ 42. It shall be the duty of the Superintendent of the Banking Department, on or before the first day of March in each year, to communicate to the Legislature a statement of the condition of every such corporation from which a report has been received for the preceding year, also the name and location of savings corporations authorized by him during the previous year, with the date of their incorporation, and particularly designating those incorporated at any time which have commenced business during the previous year.

Superintendent of banking department to report to the legislature on or before March 1, in each year.

§ 43. It shall be the duty of the said Superintendent once in two years, either personally or by some competent person or persons to be appointed by him, to visit and examine every savings corporation in this State. The Superintendent shall also have power, in like manner, to examine any such corporation, whenever, in his judgment, its condition or management is such as to render an examination of its affairs necessary or expedient. The said Superintendent and every such examiner, shall have power to administer an oath to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person for the purpose of such examination, by summons, subpoena or attachment, in the manner now authorized in respect to the attendance of persons as witnesses in the courts of record of this State; and all books and papers which it may be deemed necessary to examine by the Superintendent or the examiner or examiners so appointed, shall be produced, and their production may be compelled in like manner. The expense of every such special examination, if any, shall be paid by the corporation examined, in such amount as the Superintendent shall certify to be just and reasonable. Whenever such special examination shall be made by the Superintendent in person, or by one or more of the regular clerks in his department,

Examination of savings corporations.

Power of examiner.

Expense of special examination.

Results of regular examination to be embodied in annual report to the legislature.

Duty of the superintendent when such corporation violates law or conducts its business in an unsafe manner. Amended 1878, ch. 372, post, and 1879, ch. 422. When the attorney-general shall institute proceedings.

Proceedings by the attorney-general.

Committee of trustees shall make an examination each year. Amended 1877, ch. 263, post. Statement of assets reported to the superintendent to be based upon such examination, etc. The superintendent may employ clerks and examiners. Names of clerks and examiners and their

no charge shall be made except for necessary traveling and other actual expenses. The result of any such examination shall be certified by the examiners, or one of them, upon the records of the corporation examined, and the results of all the regular examinations during the previous year shall be embodied in the annual report of the Superintendent required by this act to be submitted to the Legislature.

§ 44. Whenever it shall appear to the said Superintendent, from any examination made by him, or from the report of any examination made to him, or from the report made by any such corporation pursuant to the requirements of sections thirty-six, thirty-seven and thirty-eight of this act, that any such corporation has committed any violation of its charter or of law, or is conducting its business and affairs in an unsafe or unauthorized manner, he shall, by an order under his hand and seal, direct the discontinuance of such illegal and unsafe or unauthorized practices, and strict conformity with the requirements of the law, and with safety and security in its transactions; and whenever any such corporation shall refuse or neglect to make any such report as is hereinbefore required, or to comply with any such order as aforesaid, or, whenever it shall appear to the Superintendent, that it is unsafe or inexpedient for any such corporation to continue to transact business, he shall communicate the facts to the Attorney-General, who shall thereupon institute such proceedings as the nature of the case may require. The proceedings instituted by the Attorney-General may be for the removal of one or more of the trustees, or for the transfer of the corporate powers to other persons, or the consolidation and merger of the corporation with any other savings corporation that may be willing to accept of the trust, or for such other or further relief or correction as the particular facts communicated to him shall seem to require. And the court before whom such proceedings shall be instituted shall have power to grant such orders, and, in its discretion, from time to time, to modify or revoke the same, as the evidence in the case and the situation of the parties, and the interests involved shall seem to require.

§ 45. It shall be the duty of the trustees of every savings bank, by a committee of not less than three of such trustees, on or about the first day of January in each year, to thoroughly examine the books, vouchers and assets of such savings bank, and its affairs generally, and the statement or schedule of assets reported to the Superintendent of the Banking Department, for the first of January in each year, shall be based upon such examination, and shall be verified by the oath of a majority of the trustees making such examination; but nothing herein contained shall be construed as prohibiting the trustees of any savings bank from requiring such examinations at such other times as they shall prescribe.

§ 46. The Superintendent of the Banking Department is hereby authorized from time to time to employ so many clerks and examiners as may be necessary to discharge, in a proper manner, the duties imposed upon him by this act; and the salary of the said clerks and examiners shall be paid to them monthly out of the treasury of the State, upon the certificate of the Superintendent and the warrant of the Comptroller, and it shall be the duty of the said Superintendent

ent, in his annual report to the Legislature, to state the names of the clerks and examiners so employed, and the compensation allowed to them severally.

§ 47. For the purpose of defraying the expenses incurred in the performance by the Superintendent of the general duties, including the regular examinations, imposed upon him by this act, each savings corporation shall pay five dollars, and the residue of such expenses shall be paid by savings corporations, whose deposits exceed one hundred thousand dollars, in proportion to the amount of assets severally held and reported by them, and the sums so contributed shall be paid into the treasury of the State. If any such savings corporation shall, after due notice, refuse or neglect for thirty days to pay its allotted share of such charges, the said Superintendent may maintain an action in his name of office against such corporation for the recovery of such charges.

§ 48. All the assets of any bank or banking association now or hereafter organized, that shall become insolvent, shall, after providing for the payment of its circulating notes if it shall have any, be applied by the directors, assignee, or receiver thereof, in the first place to the payment in full of any sum or sums of money deposited therewith by any savings corporation, but not to an amount exceeding that authorized to be so deposited by the provisions of section twenty-seven of this act; and the foregoing provisions of this section shall also extend and apply to trust companies receiving deposits of saving corporations as authorized by this act, subject, however, to any preference in payment declared and provided in the charters of such trust companies, respectively.

§ 49. It shall not be lawful for any bank, banking association or individual banker, to advertise or put forth a sign as a savings bank, or in any way to solicit or receive deposits as a savings bank; and any bank, banking association or individual banker, which shall offend against these provisions, shall forfeit and pay for every such offense the sum of one hundred dollars for every day such offense shall be continued, to be sued for and recovered in the name of the people of this State, by the district attorneys of the several counties, in any court having cognizance thereof, for the use of the poor chargeable to said county in which such offense shall be committed.

§ 50. It shall be lawful for the board of trustees of any savings corporation, by a resolution to be incorporated in their by-laws, a copy of which shall also be filed with the Superintendent of the Banking Department, to reduce the number of trustees named in the original charter of such corporation, to a number not less than the minimum named in this act, such reduction to be effected gradually by the occurrence of vacancies by death, resignation or forfeiture, until the number is reduced to thirteen or to such greater number as shall be designated in the aforesaid resolution; or the number of trustees may be increased to any number designated in a resolution for that purpose, where reasons therefor are shown to the satisfaction of the Superintendent, and his consent in writing obtained thereto.

§ 51. Whenever a majority of all the trustees of any such corporation shall, by a resolution to be entered upon their minutes,

compensation to be stated in annual report.

Expenses incurred to be defrayed by contributions.

How payment may be enforced.

Insolvent banks having savings corporation deposits.
10 Hun, 148;
69 N. Y. 358,
13 Hun, 208,
18 Hun, 221.

Also applicable to trust companies

Unlawful for certain banks to solicit or receive deposits as savings banks.

Penalty.

Number of trustees may be reduced to thirteen. Copy of resolution reducing the same to be filed with the superintendent.

Number of trustees may be increased with consent of superintendent.

Change of name.

Proceed-
ings.

Order au-
thorizing
change of
name,
where to
be filed.

Such
change not
to affect
liability of
such cor-
poration.

Provision
to con-
form char-
ters of sav-
ings cor-
porations
to this act.

Legality of
invest-
ments or
transac-
tions her-
etofore had
pursuant
to law, not
to be af-
fected by
this act.

Invest-
ments
hereafter
contrary
to this act
deemed a
misd-
emeanor.

express a desire and purpose to change the name of such corporation, the same may be effected in the manner following, to wit: Notice of intention to apply to the Superintendent of the Banking Department for leave to change the name of such corporation, specifying the name thereof, and the name to which it is proposed to change the same, shall be published as required in section five of this act. After such publication application may be made to the Superintendent to change the name of such corporation to such name as has been agreed upon in such resolution, and published in such notice, evidence of which resolution and publication must be made satisfactory to the Superintendent, together with such application. If it shall appear to the Superintendent that it is expedient and proper that such change of name be made, he shall, by an order under his hand and seal of office, direct and authorize such change of corporate name to be made, and designate some day in the future, not to exceed thirty days from the date of such order, when the said change shall take effect. Such order shall be executed in triplicate, one copy shall be transmitted and filed in the office of the county clerk of the county in which such corporation is located; one copy shall be transmitted to the corporation affected thereby, and one copy shall be filed in the office of the Superintendent of the Banking Department. Thereupon from the date designated in such order for such change of name to take effect, such corporation shall be known and described by the name designated in such order, and by such name shall have all the rights and powers to which it would be entitled if such change had not been made; but no such change shall in any manner lessen or impair any liability of such corporation incurred or existing at the time such change of name shall be made.

§ 52. The powers, privileges, duties and restrictions, conferred and imposed upon any savings corporation, by whatever name known, by its charter or act of incorporation, are hereby abridged, enlarged or modified, as each particular case may require, in such manner that each and every such charter or act of incorporation shall be made to conform to the provisions of this act, and to such amendments as may be made thereto; and each and every such savings corporation shall possess the powers, rights and privileges, and be subject to the duties and restrictions and liabilities conferred and imposed by this act, any thing in their respective charters or acts of incorporation to the contrary notwithstanding. But nothing in this act shall be construed to affect the legality of investments heretofore made, or of transactions heretofore had, pursuant to any provisions of law in force when such investments were made, or transactions had, nor to require the change of investments for those named in this act, except as the same can be done gradually by the sale or redemption of the securities so invested in, in such manner as to prevent loss or embarrassment in the business of such corporation, or unnecessary loss or injury to the borrowers on such securities. And the investment hereafter in any securities not named in this act, or the amendments that may be made thereto, shall be deemed a misdemeanor, on part of the trustees authorizing, or officers making the same; and such trustees or officers shall be subject to the prosecutions and punishments prescribed by law for that offense.

§ 53. All certificates or other evidences of deposit, made in pursuance of the regulations and usages of any such corporation, shall be as binding upon such corporation as though made under its common seal. Evidences of deposit.

§ 54. The misnomer of any such corporation in any deed, grant, contract, conveyance or other instrument, shall not vitiate or impair the same, if the corporation be sufficiently described therein to ascertain the intention of the parties. Misnomer not to impair any instrument, etc.

§ 55. This act is hereby declared to be a public act and shall be construed favorably for every beneficial purpose therein contained. Act declared a public act

§ 56. The following acts and parts of acts are hereby repealed, to wit: Acts repealed.

Sections three, four, six, chapter two hundred and sixty-two of the laws of eighteen hundred and thirty-five, entitled "An act relative to unclaimed dividends and deposits." Ante, vol. 4, p. 111.

Chapter three hundred and forty-seven of the laws of eighteen hundred and thirty-nine, entitled "An act in relation to savings banks." Id., p. 194.

Chapter four hundred and seventy-eight of the laws of eighteen hundred and forty-seven, entitled "An act in relation to deposits by banks of savings." Id.

Chapter four hundred and thirty-seven of the laws of eighteen hundred and forty-nine, entitled "An act to amend an act relative to unclaimed bank dividends and deposits, passed May nine, eighteen hundred and thirty-five, and for other purposes," so far as its provisions may apply to savings corporations. Id., p. 165.

Chapter ninety-one of the laws of eighteen hundred and fifty, entitled "An act for the protection of savings banks and institutions receiving deposits from married women," so far as the same relates to savings banks. Id., p. 196.

Chapter two hundred and fifty-seven of the laws of eighteen hundred and fifty-three, entitled "An act relative to savings banks, or institutions for saving, in the city and county of New York, and the county of Kings."

Chapter four hundred and ninety-two of the laws of eighteen hundred and fifty-three, entitled "An act to amend an act entitled 'An act relative to savings banks, or institutions for savings, in the city and county of New York and county of Kings,' passed April fifteen, eighteen hundred and fifty-three."

Chapter seventy-two of the laws of eighteen hundred and fifty-four, entitled "An act to authorize savings banks, or institutions for savings, to deposit surplus funds in trust companies." Id.

Chapter three hundred and thirty-six of the laws of eighteen hundred and fifty-five, entitled "An act to regulate the distribution of the assets of savings banks, or institutions for savings, by receivers thereof." Id.

Chapter one hundred and thirty-six of the laws of eighteen hundred and fifty-seven, entitled "An act in relation to savings banks." Id., p. 198.

Chapter one hundred and thirty-two of the laws of eighteen hundred and fifty-eight, entitled "An act to restrain banks, banking institutions and individual bankers from assuming the title of savings banks, or receiving deposits as such." Id., p. 187.

Chapter one hundred and thirty-six of the laws of eighteen hun-

Acts
repealed.

dred and fifty-eight, entitled "An act in relation to savings banks in the city of Buffalo, and to amend an act entitled 'An act relative to savings banks, or institutions for savings, in the city and county of New York and the county of Kings,' passed April fifteenth, eighteen hundred and fifty-three."

Vol. 6, p.
106.

Chapter three hundred and fifteen of the laws of eighteen hundred and sixty-three, entitled "An act to amend the act in relation to savings banks."

Id., p. 238.

Chapter one hundred and thirteen of the laws of eighteen hundred and sixty-four, entitled "An act to authorize savings banks and savings institutions of this State to make loans to counties on their bonds."

Id., p. 453.

Chapter two hundred and fourteen of the laws of eighteen hundred and sixty-five, entitled "An act relating to deposits by savings banks."

Id., p. 328.

Section seven, chapter seven hundred and sixty-one, of the laws of eighteen hundred and sixty-six, entitled "An act authorizing the taxation of stockholders of banks, and the surplus funds of savings banks."

Vol. 7, p.
50.

Chapter thirty-two of the laws of eighteen hundred and sixty-seven, entitled "An act to amend chapter one hundred and thirty-six, laws of eighteen hundred and fifty-seven, and chapter two hundred and fifty-seven, laws of eighteen hundred and fifty-three, in relation to savings banks."

Id., p. 196.

Chapter eight hundred and sixty-one of the laws of eighteen hundred and sixty-seven, entitled "An act to amend chapter seven hundred and sixty-one of the laws of eighteen hundred and sixty-six, in relation to the taxation of the surplus funds of savings banks."

Id., p. 358.

Chapter eight hundred and forty-five of the laws of eighteen hundred and sixty-eight, entitled "An act relative to savings banks."

Id., p. 429.

Chapter two hundred and thirteen of the laws of eighteen hundred and sixty-nine, entitled "An act to regulate and restrict the organization of savings banks or institutions for savings."

Id., p. 513.

So much of section four as relates to savings banks, chapter nine hundred and seven of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid the construction of railroads."

Chapter six hundred and sixty of the laws of eighteen hundred and seventy-one, entitled "An act to facilitate mortgage loans on lands authorized to be sold forming a portion of Prospect park, in the city of Brooklyn."

Vol. 9, p.
123.

Chapter six hundred and ninety-three of the laws of eighteen hundred and seventy-one, entitled "An act to amend 'An act in relation to savings banks,' passed March twentieth, eighteen hundred and fifty-seven, and to confer additional powers upon the Superintendent of the Banking Department, in relation to savings banks in the State."

Id., p. 237.
Id., p. 75.

Chapter nine hundred and seven of the laws of eighteen hundred and seventy-one, entitled "An act relative to savings banks," or any other acts, or parts of acts, relating to savings banks or institutions for savings.

§ 57. This act shall take effect immediately.

Vol. 7, p. 232.

CHAP. 372.

AN ACT to authorize the Regents of the University to establish examinations as to attainments in learning.

PASSED May 17, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Regents of the University of the State of New York are hereby authorized to institute examinations as to the attainments in learning of such persons as may appear, and be examined before examiners to be appointed from time to time by the said Regents; which examinations shall be held at such times and places, and under such rules and regulations as the said Regents may from time to time prescribe; and the said Regents may, on the recommendation of any such board of examiners, or of a majority of them, confer on any person thus examined, such certificate or diploma in evidence of such attainments, under the seal of the university, as they may deem proper; provided, however, that such certificate or diploma shall in no case contain or confer any designation or title of any degree which is now conferred by any college in this State. Examinations.
Diplomas.

§ 2. This act shall take effect immediately.

CHAP. 381.

AN ACT supplemental to an act entitled "An act to provide for the incorporation of religious societies," passed April fifth, one thousand eight hundred and thirteen, and of the several acts amendatory thereof.

PASSED May 17, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for any presbytery, now or hereafter to be constituted or established, not already incorporated, at any stated meeting thereof, by plurality of voices, to elect any number of discreet persons, not less than three nor exceeding nine in number, as trustees to take charge of the estate and property belonging thereto, and to transact all affairs relating to the temporalities thereof. And the moderator and stated clerk of said presbytery shall, immediately thereafter, certify, under their hands and seals, the names of the persons elected as trustees for such presbytery, in which certificate the name or title, by which the said trustees and their successors shall forever thereafter be called and known, shall be particularly mentioned and described; which said certificate, being duly acknowledged or proved before an officer authorized by law to take the proof or acknowledgment of deeds of real estate by said moderator and stated clerk, shall be recorded, by the clerk of one of the counties situated, wholly or in part, within the bounds of said presbytery, in the book where the said clerk is required by law to record certificates of the organization of religious societies, and such trustees and their successors. Trustees,
election
of.

Certificate
of elec-
tion.

To be re-
corded.

Real and
personal
estate.

ors shall thereupon, by virtue of this act, be a body corporate by the name or title expressed in such certificate.

§ 2. The said corporation shall, in law, be capable of taking for religious, educational and charitable purposes, by gift, devise, bequest, grant or purchase, and of holding, conveying, and otherwise disposing of the same from time to time, all real and personal estate held for the benefit of any such presbytery at the time the same shall become incorporated or which had then been or may thereafter, for the purpose of any such presbytery and in the promotion of its religious, educational or charitable purposes, be given, devised, bequeathed or granted to any such corporation by its name or for the religious, educational and charitable use thereof, or which may, in any manner, have accrued or shall accrue from the interest, income, or use of such real and personal estate, provided that the yearly income received from the property of any such corporation shall not exceed the sum of ten thousand dollars.

When
church
becomes
extinct.
Amended
1877, ch.
177, post.

§ 3. Whenever any church, in connection with any such presbytery, shall become extinct, by reason of the death or removal of its members, it shall be lawful for such corporation to take possession of the temporalities belonging to the society formed in connection with such extinct church, and manage or dispose of the same, and apply the proceeds thereof to any of the objects mentioned in the second section of this act.

Power of
trustees,
term of
office.

§ 4. The management and disposal of affairs and property of such corporation shall be in the hands of the trustees thereof; and which trustees shall hold their office at the pleasure of the presbytery electing them, and all vacancies shall be filled by the presbytery.

Vacancies.

§ 6. This act shall take effect immediately.

See chaps. 110, 176, Laws 1876, post; Ante, vol. 3, p. 687.

CHAP. 385.

Villages,
7 Edm. 624.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED May 17, 1875; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Arrest
without
process.

SECTION 1. When any person shall be arrested by a police constable without process, under section four, title five of the act entitled "An act for the incorporation of villages," passed April twentieth, eighteen hundred and seventy, and such person shall be brought before the proper justice of the peace, such magistrate shall proceed forthwith to hear, try and determine the complaint or charge on which such person is so arrested, and such person shall, upon conviction by the justice, be fined by such magistrate in accordance with any ordinance or by-law of the village, for the punishment of such offense, and imprisonment in the county jail until such fine be paid, not exceeding ten days.

§ 2. This act shall take effect immediately.

* So in the original.

CHAP. 392.**AN ACT for the better security of railroad employees for labor performed.**

PASSED May 18, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any person who shall hereafter perform any labor for a railroad corporation shall, on filing with the county clerk of any county in which such railroad corporation is situated, or through which the road of such corporation passes, the notice prescribed by the second section of this act, have a lien for the value of such labor upon such railroad track, rolling stock and appurtenances, and upon the land upon which such railroad track and appurtenances are situated, to the extent of the right, title and interest of such railroad corporation in the property existing at the time of filing the said notice.

Lien for labor on railroads.

§ 2. Within thirty days after the performance and completion of such labor, such person shall file a notice, in writing, with the county clerk of the county where the property is located, specifying the amount of claim, and the corporation against whom the claim is made. The county clerk shall enter the particulars of such notice in a book to be kept in his office, to be called the "lien docket," with the name of claimant, amount claimed, the name of such corporation against which such claim is made, and the date of the filing of the notice, hour and minute. A fee of ten cents shall be paid to said clerk on filing such lien, and said notice, when so filed, shall thereafter operate as an incumbrance upon said property.

Notice to be filed.

County clerk to enter.

§ 3. Any person performing labor, in availing himself of the provisions of this act, shall, upon the trial, or at the assessment of damages, produce evidence to establish the value of such labor, and that the same was performed for such railroad corporation.

Evidence of claim.

§ 4. Any laborer performing any work, or assignee thereof, may, after such labor is performed, and the service of the notice required by the first section of this act, bring an action in any of the courts of the county in which said property is situated to enforce said lien, requiring such railroad corporation to appear, by attorney, within thirty days after such service and answer the same, or, in default thereof, the claimant may take judgment for the amount of claim and costs.

Action to enforce lien.

§ 5. Every lien created under the provisions of this act shall continue until the expiration of one year, unless sooner discharged by the court or some legal act of the claimant in the proceedings; but when a judgment is entered therein, and docketed with the county clerk within said year, it shall be a lien upon the real property of the railroad corporation against whom it is obtained, to the extent that other judgments are now made a lien thereon.

Duration of lien.

§ 6. The liens created and established by virtue of the provisions of this act shall be paid and settled according to the priority of the notice filed with the county clerk, as directed by the second section hereof.

Priority of lien.

§ 7. All liens created by this act may be discharged as follows :

Discharge of lien.

1. By filing with the county clerk a certificate of the claimant, or

his successors in interest, acknowledged or proved in the same manner as a conveyance of real estate, stating that the lien has been paid or discharged; or

2. By depositing with the court or clerk of the court a sum of money equal to double the amount claimed, which money shall be thereupon held subject to the determination of the lien; or

3. By an entry of the county clerk, made in the book of liens, that the proceedings on the part of the claimant have been dismissed by the court in which it is brought, or a judgment rendered against the said claimant; or

4. By an affidavit of the service of a notice from such railroad corporation, or its attorney, to the claimant, requiring such claimant to commence an action for the enforcement of said lien within twenty days after service of said notice, and the failure of said claimant to commence an action as aforesaid.

Stock-
holders
liable.

§ 8. Each and all the stockholders of such corporation shall be jointly and severally liable for the debts due or owing to any of its laborers or servants, other than contractors for personal service for ninety days' service, or less than ninety days' service, performed for such corporation, but shall not be liable to an action therefor, before an execution shall be returned unsatisfied in whole or in part against the corporation, and the amount due on such execution shall be the amount recoverable with costs against such stockholders, before such laborer or servant shall charge such stockholders for such ninety days' service, or less than ninety days' service, he shall give notice in writing, within twenty days after the performance of such service, that he intends to so hold him liable, and shall commence such action therefor within thirty days after the return of such execution unsatisfied, as above mentioned; and every such stockholder against whom any such recovery by such laborer or servant shall have been had, shall have a right to recover the same of the other stockholders in such corporation in ratable proportion to the amount of the stock they shall respectively hold with himself.

CHAP. 397.

Removal
of officers.

AN ACT to carry into effect the command of section seven of article ten of the Constitution by providing for the removal of certain officers therein named, and for filling the vacancies created by such removal.

PASSED May 20, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When
Governor
may re-
move.

SECTION 1. Any Secretary of State, Comptroller, Treasurer, Attorney-General, State Engineer and Surveyor, Canal Commissioner, or State Prison Inspector may be removed by the Senate on the recommendation of the Governor for misconduct or malversation in office, if a majority of all the members elected to the Senate concur therein. But no removal shall be made by virtue of this act unless the cause thereof be entered on the journals, nor unless the party complained of shall have been served with a copy of the charges

against him and shall have an opportunity of being heard. On the question of removal the yeas and nays shall be entered on the journal.

§ 2. The Governor may suspend any of the officers named in the first section of this act during the investigation of the charge against said officer, and may appoint a suitable person to perform the duties of the suspended officer during such suspension.

Suspension of office.

§ 3. At the time of the suspension of such officer a copy of the charges against him shall be served on such officer, with notice of the time for his appearance before the Senate for the investigation thereof.

Charges to be served.

§ 4. If the Senate be in session at the time of such suspension the Governor shall send said charges immediately to the Senate, and if the Senate be not in session he shall convene the same in extra session within thirty days thereafter, for the purpose of proceeding with the investigation of such charges.

Investigation of charges.

§ 5. The Governor shall appoint, by and with the advice and consent of the Senate, a suitable person to fill the vacancy caused by the removal of any officer named in this act, and the person so appointed to fill such vacancy shall hold his office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of such vacancy.

Vacancies, how filled.

§ 6. The Senate shall have power to make such rules as it may see fit for the practice before it. It shall proceed to hear and try the said charges, upon the appearance and answer of the said officer, or on his neglect to appear, or to answer, after the personal service in either manner named in the foregoing sections hercof. It shall have power to issue process to compel the attendance of witnesses before it, and all the power, over witnesses and persons in attendance upon it, possessed by any judicial tribunal.

Proceedings before Senate.

§ 7. The Governor may direct the Attorney-General, or may appoint any suitable person to conduct the trial before the said court of the charges made.

Prosecution of charges.

§ 8. This act shall take effect immediately.

CHAP. 408.

AN ACT in relation to parsonages in certain cases.

PASSED May 21, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases now existing or which may hereafter exist, in which any priest, clergyman or minister of the gospel shall serve or minister to two or more churches, congregations or religious societies, incorporated under the provisions of the act entitled "An act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, and the acts amendatory thereof, it shall be lawful for such churches, congregations or religious societies to have, hold and own a lot or lots or farm, with such building or buildings thereon, as the said churches, congregations or religious societies may deem necessary or proper for the use of such priest, clergyman or minister of the gospel, as shall serve or minister to such churches, congregations or religious societies, to be occupied and used by such priest, clergyman or minister of the gospel as a parsonage, during

Parsonage of ministers to two or more churches.

the time he shall serve or minister to such churches, congregations or religious societies.

Parsonage trustees.

§ 2. After the passage of this act, the said churches, congregations or religious societies shall have power to elect three trustees, each being a member of one of said churches, congregations or religious societies, to be denominated parsonage trustees, to take and hold the title to such lot or lots or farm as may be purchased for parsonage purposes, as trustees of and for the use and benefit of said churches, congregations or religious societies.

Election of trustee.

§ 3. The priest, clergyman or minister of the gospel so serving or ministering to such churches, congregations or religious societies, shall designate some day, other than Sunday, and the hour of the day when the election of the first trustees shall be held at the place where each of said churches, congregations or religious societies stately meets for worship. Notice of the time of holding such election shall then be given to each of such churches, congregations or religious societies in the manner prescribed by the third section of the act above mentioned. Notice shall also be given at the same time and in the same manner, of the place where the board of canvassers, created by this act, to canvass the votes given at the election for trustees. At the time so appointed for such election, said churches, congregations or religious societies shall, by a plurality of voices, elect one of their members chairman of such meeting, and the clerk of such church, congregation or religious society, if present, shall be clerk of such meeting; but if such clerk shall be absent, then such church, congregation or religious societies shall, by plurality of voices, elect one of their members clerk for the time being.

Election, how conducted.

§ 4. Said election of trustees shall be by ballot, and the three persons for whom the highest number of ballots shall be cast shall be the first trustees. The chairman of each of such meetings shall preside thereat, receive the ballots, preserve order and see that the business before the meeting is conducted in an orderly and legal manner. The clerk of each meeting shall keep a record of the proceedings thereof, and also a poll-list containing the names of all the persons who shall vote at such election. All persons who shall be entitled to vote for trustees of such church, congregation or religious society, may lawfully vote at such election, and no others. The chairman and clerk of each meeting shall canvass the votes cast at such election, and make and sign a certificate thereof, setting forth the time and place at which such election was held, the whole number of votes cast, the names of all persons voted for, and the number of votes given for each.

Canvass.

§ 5. The chairman of any or either of such meeting may by a writing, signed by him, appoint the clerk of such meeting a canvasser in his place and stead. Such chairman as do not appoint the clerk a canvasser in his stead, and such clerks as shall or may be appointed canvassers as above mentioned, shall meet at the place designated in the notice given for such election, on the day following such election, at three o'clock in the afternoon of that day, and shall form themselves into a board of canvassers by the election of one of their number chairman of said board, and another one of their members secretary of said board, and shall then, from all the certificates of the elections held the day before, ascertain the whole number of votes cast for parsonage trustees, the names of all the persons voted for and the number of votes given for each, and shall declare the three persons having the largest number of votes elected trustees. They shall then proceed to divide said trustees, by lot, into three classes, one of whom shall hold the office for one year, one for two years and one for three years; and thereafter one parsonage trustee shall be elected each year, at the time and in the manner and upon the notice prescribed for the election of the first parsonage trustees. They shall then designate the name by which such parsonage trustees shall be known and called, as the parsonage trustees of a certain circuit, naming it, or of a certain place, naming it, and its vicinity.

Term of office.

Name of trustees.

Record of canvass.

Certificate of election, etc.

§ 6. The secretary of said board of canvassers shall keep a record of all the proceedings of said board in a book to be provided for that purpose, and shall also file and preserve all certificates of election on which such board shall act. He shall also make a certificate of the election of the persons chosen trustees, of their classification and the time each is to serve, which shall be signed by the chairman of such board and by such secretary, and shall be acknowledged

by them in such manner as deeds are by law required to be acknowledged to entitle them to be recorded. Such certificate and acknowledgment shall then be recorded in the office of the clerk of the county or counties in which any one of such churches, congregations or religious societies may be located.

§ 7. Upon the recording of such certificate, the said trustees and their successors shall be a body politic and corporate by the name stated in such certificate; and by that name they and their successors shall and may have succession, and shall be capable in law of suing and being sued, and may have and use a common seal, and may alter and change the same at pleasure; and by their corporate name be capable of receiving, purchasing and holding for the use and benefit of said churches, congregations or religious societies, such real and personal estate as such churches, congregations or religious societies may deem necessary or proper to purchase for the use of the priest, clergymen or ministers of the gospel, who shall serve or minister to them as aforesaid, and to manage, improve, protect and preserve said property.

Powers
and duties
of trustees.

§ 8. In case it shall happen that an election of trustees shall not be held on the day designated for such election, the corporation shall not for that reason be dissolved, but such election may be held on some other day, by giving notice of such election in the manner prescribed for the first election of trustees, but the time of service of the trustee so elected shall expire at the same time his term would have expired in case he had been elected at the proper time.

Failure
to hold
election.

§ 9. In case of the death or removal from the county of any one or more of said trustees, the remaining trustees or trustee may, by writing under their or his hand and seal, appoint a trustee or trustees in the place and stead of the trustee or trustees so dying or removing from the county, until the time appointed for the next election, when a trustee or trustees shall be elected in the place or places of him or them so dying or removing, in the same manner as other trustees are required to be elected.

Death or
removal
of trustee.

§ 10. This act shall take effect immediately.

CHAP. 414.

AN ACT to provide for the compensation of non-resident justices sitting and acting as members of the general term of the first judicial department.

PASSED May 21, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The daily compensation mentioned in section two of chapter five hundred and seventy-five of the laws of eighteen hundred and fifty-five shall, from and after the first day of January, eighteen hundred and seventy-four, be paid to each justice of the Supreme Court not residing in the first judicial district of this State, sitting in and acting as a member of the general term of the first judicial department, for each day necessarily devoted to the examination and decision of cases heard by such court, while he may be a member thereof, as well as for the time said justice shall be a member of such court.

§ 2. This act shall take effect immediately.

Section two of chapter 575, of the Laws of 1855, provides as follows:

"Whenever the Chief Judge of the Court of Appeals shall assign any justice of the Supreme Court from any judicial district, other than the first judicial district, to hold any court or perform judicial duties in and for the first judicial district pursuant to the provisions of the act therefor, passed April 16, 1852, it shall be lawful for the board of supervisors of the city and county of New York to pay such justice so assigned, a sum not exceeding ten dollars a day for every day such justice shall sit and perform such judicial duties."

CHAP. 419.Library
compan-
ies.

AN ACT to amend chapter three hundred and ninety* of the laws of eighteen hundred and fifty-three, entitled "An act for the incorporation of library companies."

PASSED May 22, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 390,
Laws 1853,
3 Edm. 844.

SECTION 1. Section thirteen of chapter three hundred and ninety* of the laws of eighteen hundred and fifty-three, entitled "An act for the incorporation of library companies," is hereby amended so as to read as follows :

May bor-
row
money for
buildings.

§ 13. Any library company incorporated under this act may, with the consent of two-thirds of the members, for the purpose of purchasing a site and erecting library buildings, or a residence for the librarian, borrow money upon the bond or bonds of such company, at a rate of interest not exceeding seven per cent per annum, and secure payment of the same by mortgage on such site and buildings; but no such company shall incur any debts except those which may be created as above provided, for the purpose of purchasing a site for and erecting library buildings, for any other purpose than is above provided, except such taxes and assessments as shall be imposed upon its property according to law; and the trustees shall be liable jointly and severally for any debt not hereby authorized, which they shall have contracted for the company, while they were trustees, and may retain and apply sufficient of the cash, bonds, notes, or other securities of the company to discharge them from such liability, so far as it may have been contracted for the legitimate purposes of the company under this act; but no board of trustees shall lawfully make any contract on account of the company, except for such site or buildings, or the payment of the money so borrowed, not to be performed during the year for which the board is chosen.

Not to in-
cur debt
for other
purposes.Trustees
liable.

§ 2. This act shall take effect immediately.

CHAP. 420.Commis-
sioners to
take testi-
mony.

AN ACT to amend section fourteen of title three of chapter seven of part third of the Revised Statutes.

PASSED May 22, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
2 R. S. 394,
2 Edm. 410.

SECTION 1. Section fourteen of title three of chapter seven of part third of the Revised Statutes is hereby amended so as to read as follows:

Interroga-
tories.

§ 14. The interrogatories to be annexed to such commission shall be settled by a judge of the court in vacation, or if the action be in the Supreme Court, by a justice thereof, or the county judge of the county where the action is triable, upon such notice as shall be established by the practice of the court.

Repealed in 1877, ch. 417. See Co. Civ. Proc., § 891.

* So in the original. The law intended to be amended is ch. 395 of L. of 1853.

CHAP. 421.

AN ACT to authorize towns, cities and villages to pay their bonds, issued for railroad purposes, by exchanging therefor their railroad stock or bonds, and to exchange their stock of any railroad corporation for the bonds of such corporation.

PASSED May 22, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for any town, city or village to exchange the bonds and stock of any railroad corporation for and in payment of the bonds of any such town, city or village, heretofore issued in aid of any such railroad corporation, and it shall be lawful for any town, city or village to exchange the stock of any railroad corporation for the bonds of such corporation; and such exchange may be made by the officers of such town, city or village having the lawful charge and custody of such railroad stock and bonds, but the same shall not be thus exchanged for less than the par value thereof; and when any such exchange shall be made, report thereof shall be made, by the officers making the same, to the then next meeting of the board of auditors of their town, the common council of their city, or the board of trustees of their village; and the town, city or village bonds obtained by such exchange shall thereupon be canceled.

§ 2. This act shall take effect immediately.

CHAP. 423.

AN ACT to regulate investments by insurance companies.

PASSED May 24, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever any insurance company, organized under any of the laws of this State, shall have invested any of its funds in the stock of other incorporated companies, under and in pursuance of the laws of this State, and the Superintendent of the Insurance Department shall have reason to believe that such stock is below par, he may direct any such company to report to him under oath the amount of such stock so held by any such company, and the market value thereof is below par, he may direct the sale (under such regulations as he may establish) of such stock by such insurance company.

Report to superintendent of stocks in other companies.

§ 2. It shall be lawful for any life, fire or marine insurance company organized under any of the laws of this State, and transacting business in other States of the United States, to invest the funds required to meet its obligations incurred in such other States, respectively, in the same class of securities in those States that such corporations are by law allowed to invest in in this State, but this act shall not be construed as authorizing, nor does it permit any such corporation to loan moneys on mortgage upon real estate without the limits of this State and States adjacent thereto.

Investments by companies in other States.

§ 3. This act shall take effect immediately.

CHAP. 424.

AN ACT in regard to the boundary monuments of the State.

PASSED May 26, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Regents of the University are hereby authorized and directed to resume the work of "examination as to the true location of the monuments which mark the several boundaries of the State," as authorized by the resolution of the Senate of April nineteenth, eighteen hundred and sixty-seven, and in connection with the authorities of Pennsylvania and New Jersey respectively, to replace any monuments which have become dilapidated or been removed, on the boundary lines of those States.

§ 2. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated for expenses of renewing and replacing monuments, and for contingent expenses.

§ 3. The Regents shall report to the Legislature on the progress of this work with an account of all expenditures.

§ 4. This act shall take effect immediately.

CHAP. 428.

AN ACT to amend an act entitled "An act to regulate proceedings against corporations by injunctions and otherwise," passed April seventh, eighteen hundred and seventy.

PASSED May 26, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of an act entitled "An act to regulate proceedings against corporations by injunction and otherwise," passed April seventh, eighteen hundred and seventy, is hereby amended so as to read as follows:

§ 5. The provisions of this act shall extend and apply to all corporations and joint-stock associations, created or existing by the laws of this or of any other State or Government, doing business within this State, or having a business or fiscal agency or an agency for the transfer of its stock therein, and to the directors, trustees, managers and other officers of such foreign corporations or joint-stock associations, and to all proceedings by the Attorney-General, in the name of the People of this State, under the laws regulating proceedings against corporations, except that it shall not apply to savings banks, or to corporations, or associations having banking powers or power to make insurances, or to such as shall be organized under the general manufacturing laws of the State.

§ 2. This act shall take effect immediately.

Repealed by L. 1880, ch. 245. See Co. Civ. Proc., § 1812.

Amending
ch. 151,
Laws 1870,
7 Edm. 661.

To apply
to corpo-
rations in
this State.

CHAP. 431.

AN ACT to amend the Revised Statutes in relation to laying out public roads and the alteration thereof. Highways.

PASSED May 28, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixty, article four of title one, chapter sixteen of the first part of the Revised Statutes is amended so as to read as follows: Amending
1 R. S. 614,
1 Edm. 473.

* § 75. In all cases of the alteration of any road or the laying out of any new road, except where the same is altered, opened or laid out with the consent in writing of the owner or owners of the lands to be taken for such alteration or opening, the person or persons applying for the same, shall serve a notice on the town clerk of the town, and on a justice of the peace and the commissioner or commissioners of highways thereof, asking for a jury to certify to the necessity of the same, and specifying a time not less than ten nor more than twenty days from the time of serving such notice, when such jury will be drawn at the clerk's office of the town by the town clerk thereof, and shall notify in writing each of the owners or occupants through which such alteration or new road is proposed to be laid of the time and place of drawing such jury by personally serving such notice on such owner or occupant, at least five days before the drawing of such jury or by mailing a copy thereof, at least eight days before such drawing, to such owner or owners in the manner prescribed by law for the service of legal notices. At the time and place mentioned, the town clerk of such town having received such notice that such jury is to be drawn shall, in the presence of a justice of the peace or one of the commissioners of highways of the town, deposit in a box the names of all persons then residents of his town, whose names are on the lists filed in said town clerk's office of those selected and returned as jurors pursuant to article second, title four, chapter seven, part third of the Revised Statutes, who are not interested in the lands through which such road is to pass or be located, nor of kin to the owner thereof, and shall publicly, in the presence of such justice of the peace or commissioner, draw therefrom the names of twelve persons, and shall make a certificate of such names and the purposes for which they were drawn, and shall deliver the same to the person asking for the jury, and the applicant for such jury shall pay to the said town clerk one dollar for drawing such jury. The applicant for such road or alteration of a road on receiving such certificate, shall deliver the same to a justice of the peace of the town wherein the road is to be laid, and it shall be the duty of such justice forthwith, to issue a summons to one of the constables of said town, directing him to summon the persons named in said certificate, specifying a time and place in said summons at which the persons to be summoned shall meet, which shall not be less than ten nor more than twenty days from the issuing thereof; and in case the owner or owners of any of the lands through which said road or alteration is proposed to be located shall be a non-resident, it shall be the duty of such justice to notify such owner or owners by mail, at least eight days before the meeting of such jury, of the time and place

Proceedings on laying out or altering road.

Applicant to serve notices.

Notice to owners or occupants.

Drawing of jurors.

Applicant to pay clerk.

Justice to summon jury.

Where owner is non-resident.

of such meeting, and if any person so summoned to attend as a juror shall neglect or refuse to attend at the time and place designated in such summons, the person or persons so neglecting or refusing to attend shall be liable unless a sufficient excuse be established, to pay a fine of five dollars which shall be sued for and recovered by the overseers of the poor of said town, and such fine shall be applied by them to the support of the poor thereof. If nine or more of the persons shall have been so drawn not interested in the lands through which the road is to be laid, nor of kin to the owners thereof, shall appear at the time and place specified in the summons, they shall then be sworn by the justice of the peace, who issued such summons, well and truly to certify as to the necessity of the highway applied for, and if such justice of the peace shall refuse or neglect to attend at the time and place mentioned in said summons, such oath may be administered to such jurors by any other justice of the peace of said county, and the justice of the peace swearing such jury shall receive therefor, from such applicant, the sum of two dollars; such jury shall then personally examine the route of such highways, and shall hear any reasons that may be offered for or against such proposed route or alteration. If nine or more of the number thereof shall be of opinion that such highway or alteration of a highway is necessary and proper, they shall make and subscribe a certificate in writing to that effect, which shall be delivered to the commissioners of highways of the town. But if such number thereof shall not certify that such road or alteration is necessary, then no application for such road or alteration shall be made again in three months. Every juror shall be entitled to receive for his services as such juror the sum of fifty cents, to be paid by such applicant, and the constable who may summon such jury shall receive therefor from such applicant therefor ten cents for summoning each juror summoned, and ten cents a mile for each mile actually and necessarily traveled in summoning such jury in going from and returning to his place of residence therefor. If nine or more of such jurors shall make a certificate that such highway or alteration is necessary and proper, then the cost of such proceeding as hereinbefore provided shall be a charge against such town in favor of such applicant. The commissioners of highways shall decide upon such application for such road or alteration within thirty days after the decision of the jury or the service upon them of the consent in writing of the owner or owners of the land to be taken for such alteration or opening by an order in writing which shall be filed in the office of the town clerk of such town.

Neglect of juror to attend.

Proceedings.

Pay to jurors.

Commissioners, when to decide.

Repeal.

Ante, vol. 2, pp. 504, 972.

§ 2. Chapter three hundred and fifteen of the laws of eighteen hundred and seventy-three, and chapter six hundred and thirteen of the laws of eighteen hundred and seventy-four, are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 442.

AN ACT to amend an act entitled "An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or territories of the United States," passed March tenth, eighteen hundred and seventy.

PASSED May 28, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter fifty-nine of the laws of eighteen hundred and seventy, entitled "An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or territories of the United States," is hereby amended so as to read as follows:

Amending
ch. 59,
Laws 1870,
7 Edm. 560.

§ 1. In all cases where any guardian and his ward may both be residents of any other State or territory of the United States, and such ward may be entitled to property of any description in this State, such guardian, on producing to the surrogate's court, or other court of competent jurisdiction, of the county in which such property or the principal part thereof is situated a full and complete transcript from the records of a court of competent jurisdiction in the State or territory in which he and his ward reside, duly exemplified or authenticated, showing that he has been appointed guardian of such ward, and that he has given a bond and security in the State or territory in which he and his ward reside, in double the value of the property of such ward, and also showing to such court that a removal of the property of such ward will not conflict with the terms or limitations attending the right by which the ward owns the same, then such transcript may be recorded in such court, and such guardian shall be entitled to receive letters of guardianship of the estate of such minor from such court, which shall authorize him to demand, sue for and recover any such property, and remove the same to the place of residence of himself and his ward. And such court may order any resident guardian, executor or administrator having any of the estate of such ward, to deliver the same to such non-resident guardian; provided all debts known to exist against such estate have been first paid.

In what
manner
guardian
may ob-
tain prop-
erty.

§ 2. This act shall take effect immediately.

Repealed by L. 1880, ch. 245. See Co. Civ. Proc., §§ 2838-40.

CHAP. 443.

Amending
ch. 79,
Laws 1875,
ante, p. 57.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to provide for the incorporation of religious societies,' passed April fifth, eighteen hundred and thirteen, and supplementary thereto," passed March twenty-ninth, eighteen hundred and seventy-five.

PASSED May 28, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of an act entitled "An act to amend an act entitled 'An act to provide for the incorporation of religious societies,' passed April fifth, eighteen hundred and thirteen, and supplementary thereto," passed March twenty-ninth, eighteen hundred and seventy-five, is hereby amended so as to read as follows :

Devises to
religious
societies.

§ 3. Any religious society, organized under the laws of this State, may take and receive by bequest or devise any real or personal estate, the net annual income of which shall not exceed twelve thousand dollars, subject, however, to the provisions of chapter three hundred and sixty of the laws of eighteen hundred and sixty, entitled "An act relating to wills."

§ 2. This act shall take effect immediately.

CHAP. 445.

AN ACT to further amend an act entitled "An act for the incorporation of companies formed to navigate the ocean by steamships or ships or vessels using caloric engines," passed April twelfth, eighteen hundred and fifty-two.

PASSED May 28, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws 1852,
ch. 228,
3 Edm. 815.

SECTION 1. Section one of the act entitled "An act for the incorporation of companies formed to navigate the ocean by steamships or ships or vessels using caloric engines," passed April twelfth, eighteen hundred and fifty-two, is hereby amended so as to read as follows :

Incorporation
of
company.

§ 1. Any seven or more persons who may desire to form a company for the purpose of building for their own use, equipping, furnishing, fitting, purchasing, chartering, navigating and owning vessels to be propelled solely or partially by the power or aid of steam or other expansive fluid or motive power, to be used in all lawful commerce and navigation upon the ocean, seas, sounds and rivers navigable by ocean steamers, and for the transportation of passengers, freight and mails, may make, sign and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the principal office for the management of the business of the company shall be situated, and a duplicate thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the said company and the specific

objects for which the company shall be formed, stating particularly the ports between which such vessels are intended to be navigated, the amount of the capital stock of said company, which shall not be less than fifty thousand nor more than four million dollars; the term of its existence not to exceed twenty years; the number of shares of which the said capital stock shall consist; the number of directors, and their names, who shall manage the concerns of said company for the first year; and the name of the city or town and county in which the principal office for managing the affairs of the company is to be situated.

CHAP. 452.

AN ACT further to amend chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," and the several acts amendatory thereof.

PASSED May 28, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following section shall be added to chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies":

Amending
ch. 819,
Laws 1848,
§ 8 Edm. 705.

§ 11. The number of trustees, directors or managers in any corporation which may have been heretofore or which may hereafter be organized under the said act may be increased as follows: The existing trustees of any such corporation, or a majority thereof, shall make and sign a certificate declaring how many trustees, directors or managers the corporation shall have in the future management of its business and stating the names of the new or additional trustees, directors, or managers, which certificate shall be acknowledged or be proved by a subscribing witness, and shall be filed in the office of the Secretary of State, and also in the office of the clerk of the county where the original certificate of incorporation was filed; and from and after the filing of such certificate the trustees, directors or managers of such corporation shall be deemed increased to the number therein stated, and the persons so named shall be trustees until a new election of trustees, directors or managers shall be had according to said act and the by-laws or regulations of said corporation.

Increase of
trustees.

§ 2. This act shall take effect immediately.

CHAP. 458.

AN ACT to amend chapter eight hundred and seven of the laws of eighteen hundred and seventy-three, entitled "An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein."

PASSED May 28, 1875 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amend-
ing ch.
807, Laws
1873.

SECTION 1. Section one of chapter eight hundred and seven of the laws of eighteen hundred and seventy-three, entitled "An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein," is hereby amended so as to read as follows :

May per-
form
duties in
other
counties.

§ 1. Any notary public appointed for the county of Kings, Queens, Richmond, Westchester, Putnam, Suffolk and Rockland, or for the city and county of New York, upon filing a certified copy of his appointment, with his autograph signature, in the clerk's office of any other of said counties, is hereby authorized to exercise all of the functions of his office in such other of said counties, with the same effect as he now possesses by law in the county for which he is appointed. And the county clerk of any of said counties in whose office any notary public appointed as aforesaid shall have filed a certified copy of his appointment, with his autograph signature, is hereby authorized and required, whenever so requested, to subjoin to any certificate of proof or acknowledgment, signed by such notary public, a certificate under his hand and official seal, specifying that said notary public has filed a certified copy of his appointment, with his autograph signature in his office, and was, at the time of taking such proof or acknowledgment, duly authorized to take the same, and that the said clerk is well acquainted with the handwriting of said notary public, and verily believes that the signature to the said certificate of proof or acknowledgment is genuine, and any conveyance so proved or acknowledged, and having such county clerk's certificate subjoined thereto, shall be entitled to be read in evidence, or to be recorded in any of the counties of this State.

§ 2. This act shall take effect immediately.

CHAP. 464.

AN ACT to provide houses of detention in the several counties of this State, for the safe-keeping and proper care of women and children charged with offenses and held for trial, and also for the detention of all persons held as witnesses.

PASSED May 28, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The boards of supervisors of each of the counties in this State, except in the county of Kings and city and county of New York, are hereby authorized and empowered to procure, by lease or purchase, a suitable place or places other than common jails, for the safe and proper keeping, and care and keep, of women and children charged with offenses and held for trial, and all persons detained as witnesses; such places to be termed houses of detention.

Super-
visors may
provide
houses of
detention.

§ 2. Whenever a house of detention shall be provided in any county according to the provisions of this act, any magistrate in such county authorized to commit persons charged with offenses and held for trial, shall direct on his order of committal, in case the person charged is a woman or girl, or a boy under sixteen years of age, that such person be placed in the house of detention in his county, instead of the jail, and every person held as a witness in such county shall be placed in such house of detention.

Commit-
ments
thereto.

§ 3. This act shall not apply to any person charged with crimes punishable by death or imprisonment in States prison for a term exceeding five years or charged with a second offense.

When not
to apply.

§ 4. The sheriff in each county shall have charge and control of such house or houses of detention, and shall be entitled to collect from the county the same fees and compensation for the care and board of said persons as are now allowed by law for the care and board of prisoners confined in the common jail.

Sheriff to
have
charge.

CHAP. 465.

AN ACT to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein.

PASSED May 28, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Agents of
non-resi-
dent com-
panies to
pay two
dollars on
the hun-
dred to
fire depart-
ments.
Amended
1876, ch.
358, post.

SECTION 1. There shall be paid to the treasurer of the fire department of every city or incorporated village of this State, for the use and benefit of such fire department, and when no treasurer of a fire department exists, then to the treasurer of such city or village, who, for the purposes of this act, shall have the same powers as the treasurers of fire departments, on the first day of February in each year, by every person who shall act as agent for or on behalf of any individual or association of individuals, not incorporated by or under the laws of this State, to effect insurance against loss or injury by fire upon property in this State, although such individual or association may be incorporated for that purpose by any other State or country, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which during the year or part of a year, ending on the last preceding first day of September, shall have been received by such agent or person, or received by any other person for him, or shall have been agreed to be paid for any insurance effected or agreed to be effected, or promised by him as such agent or otherwise, to be effected against loss or injury by fire upon property, situate within the corporate limits of such city or village.

Agents to
give
bonds.
Amended
1876, ch.
358, post.

§ 2. No person shall, as agent or otherwise for any individual, individuals or association, effect or agree to effect any insurance upon any property situate in any city or incorporated village of this State, upon which the above duty is required to be paid, or as agent or otherwise procure such insurance to be effected until he shall have executed and delivered to the treasurer of the fire department of the city or village in which the property insured is situated, or if no treasurer of a fire department exists then to the treasurer of such city or village, a bond to such fire department in the penal sum of five hundred dollars, with such sureties as such treasurer shall approve, with a condition that he will annually render to said treasurer on the first day of February in each year, a just and true account verified by his oath that the same is true of all premiums which, during the year ending on the first day of September preceding such report, shall have been received by him or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire upon property situate in such city or village, which shall have been effected or procured by him, to be effected for any individual, individuals or association not incorporated by the laws of this State as aforesaid, and that he will annually on the first day of February in each year pay to said treasurer two dollars upon every hundred dollars, and at that rate upon the amount of such premiums.

Penalty.
Amended
1878, ch.
138, post.

§ 3. Every person who shall effect, agree to effect, promise or procure any insurance specified in the preceding sections of this act without having executed and delivered the bond required by the preceding

section shall, for each offense, forfeit two hundred dollars for the use and benefit of the fire department of such city or village, such penalty of two hundred dollars shall be collected by and in the name of the fire department of the city or village in which the property insured or agreed to be insured is situate.

191
Amended
1873, ch.
138.

§ 4. None of the provisions of this act shall apply to the city of New York.

§ 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Not to
apply to
New
York.
Amended
1876, ch.
858, post.

§ 6. This act shall take effect immediately.

CHAP. 472.

AN ACT to repeal chapter nine hundred and sixty-nine of the laws of eighteen hundred and sixty-seven, entitled "An act in relation to inspection of steam boilers in the State of New York, except in the metropolitan police district."

PASSED May 28, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter nine hundred and sixty-nine of the laws of eighteen hundred and sixty-seven, entitled "An act in relation to the inspection of steam boilers in the State of New York, except in the metropolitan police district," is hereby repealed.

Repealing
Laws 1867,
ch. 908,
7 Edm. 288.

CHAP. 474.

AN ACT to amend chapter four hundred and fifty-five of the laws of eighteen hundred and forty-seven, entitled "An act to amend an act entitled 'An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts,' " passed May tenth, eighteen hundred and forty-five.

PASSED May 28, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixteen of chapter four hundred and fifty-five of the laws of eighteen hundred and forty-seven, entitled "An act to amend an act entitled, 'An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May tenth, eighteen hundred and forty-five," is hereby amended so as to read as follows:

Amending
ch. 455,
Laws 1847,
3 Edm. 311.

§ 16. Town collectors shall be entitled to collect five per cent fees for all unpaid taxes under the thirtieth section of the act hereby amended, and whenever any such collector shall make return to the county treasurer for any unpaid taxes, he shall add to the several sums so returned by him, five per cent, which shall go to the credit of the county, and be collected with said unpaid taxes; and such collector

Town col-
lectors.

shall be entitled to receive from the county treasury, and be paid by the treasurer, two per cent as fees for all taxes so returned by him. The town collectors from the county of Kings, in addition to the percentage and interest authorized by sections five and six of chapter one hundred and fifty-four of the laws of eighteen hundred and forty-one, shall add the amount of their fees which shall go to the credit of the respective towns.

§ 2. The provisions of section sixteen of said act, as amended under section one, are hereby made applicable to the county of Kings, and section twenty-six of said act is repealed in so far as it may conflict with such application.

§ 3. All other acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 482.

Boards of
supervisors.

AN ACT to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors.

PASSED June 5, 1875, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Further
powers.
Amended
1878, ch.
285, post,
68 N. Y.
259, 10
Hun, 405.

SECTION 1. Further powers of local legislation and administration are hereby conferred on the boards of supervisors in the several counties of this State, except in cities whose boundaries are the same as those of the county, to make and administer, within their respective counties, laws and regulations as follows :

COUNTY BUILDINGS.

Real estate
for court-
houses,
offices,
jails, etc.

1. To purchase or otherwise acquire, for the use of the county, real estate for sites for court-houses, county clerks' offices and other buildings for county offices, and for jails and such other places of confinement as may be authorized or required by law for the safe-keeping and employment at hard labor of offenders, and for the detention of witnesses, and of women and children held for trial for offenses where the punishment prescribed is imprisonment for a term less than five years ; and, also, for establishments for the care of pauper idiots, paupers incurably insane, and other indigent persons for whose support the county shall be liable ; to erect, alter, improve, purchase and receive by gift, buildings for any of such purposes, and to make such expenditures on account of such sites and buildings as may be necessary ; to borrow money on the county bonds, or other county obligations, for a period not exceeding fifteen years, to be paid in annual installments, for the purposes specified in this subdivision ; but in all cases where a proposed issue of county bonds shall, with the amount of bonds issued under any previous authority and still outstanding, exceed the sum of one hundred thousand dollars, no additional issue shall be authorized except in the counties of Albany, Erie and Kings, unless by the assent of a majority of all the electors of the county voting on the question at any annual election. And subject to the conditions in this act specified,

To borrow
money.

Limitation
on issue of
bonds.

to change the location of county buildings, and to sell or apply to other county uses the old sites and buildings in cases where the location may be so changed, and if sold, to apply the proceeds toward the payment of obligations incurred for new sites and buildings. And in the case of a change in the location of a county court-house, to make such regulations in respect to the holding of the terms of courts as shall be necessary by reason of such change. But in any case where a special law shall have been passed, prior to the passage of this act, providing for the purchase or sale of any site, or the location, erection, purchase or sale of any county building, or for the care and management thereof, no action shall be had by any board of supervisors, which shall interfere with the full execution of such special law.

To change location.

Special law.

SALARIES OF COUNTY OFFICERS.

2. To fix, subject to the limitations of section fifteen, article six, of the Constitution, the salaries and per diem allowance of county officers whose compensation may be a county charge, and which shall not be changed during the term of office of such officers respectively, and to prescribe the mode of appointment, and fix the number, grades and pay of the deputies, clerks and subordinate employees in such offices.

To fix salaries of county officers.

BRIDGES.

3. To authorize the location, change of location, and construction of any bridge (except on the Hudson river, below Waterford, and on the East river, or over the waters forming the boundaries of the State), which shall be applied for by any town or towns jointly, or by any corporation formed pursuant to the general laws of the State, or by any corporation or individual for private purposes; and in the case of a public bridge erected by a corporation, to establish the rates of toll to be collected for crossing such bridge. But in every case where any such bridge is to cross a navigable stream or water, full provision shall be made in the resolution or permission authorizing the same for the erection and maintenance of a suitable draw to prevent any impeding of the navigation of such stream or water, and in the case of a private bridge, provision shall be made that the draw shall be kept open as may be required to permit all vessels to pass without loss of headway. Where any bridge shall be on a stream or water forming at the point of crossing the dividing line of counties, the action of the board of supervisors of each county shall be necessary to give the jurisdiction permitted by this subdivision.

Powers as to bridges.

Draws in bridges over navigable streams.

Bridge on streams between two counties.

4. To apportion, as such board may deem equitable, the expense of the construction of any public bridge (except in the cases specified in the last preceding subdivision) over a stream or other water forming the boundary line of counties, between the towns at such point, and in all cases such counties shall each pay not less than one-sixth of the expense of such bridge, and where the board of supervisors shall deem that the construction of such bridge is a general benefit to the county, and that the payment of two-thirds of the expense by the towns liable, would be unjust to such towns, to determine the additional proportion, and what proportion, of such expense to be borne by the counties; and to authorize any town, on the vote of a majority of the electors voting at any annual town meeting, or regularly called special town meeting, to appropriate such a sum (to be raised as other bridge moneys are raised) to aid in the construction and maintenance of any bridge outside the boundaries of the town or county, but forming a

Apportionment of expense of bridge between counties. Amended 1876, ch. 257, 1878, ch. 77, post.

continuation of highways leading from such town or county, and deemed necessary for the public convenience.

Care and
repara-
tion of
bridges
between
counties.
Amended
1876, ch.
257, post, p.
and 1879,
ch. 364,
post, p.
and 1880,
post, p.

5. To provide for the care, preservation and reparation of any draw or other bridge (except in the cases specified in the last two preceding subdivisions), crossing a stream which forms at the point of crossing the dividing line of counties, and the maintenance of which bridge is by law a joint charge on such counties, or on the towns in which such bridge may be situated; and to severally apportion the charges for such care, preservation and reparation on the towns respectively liable therefor, or on the respective counties when liable.

To author-
ize towns
to borrow
money for
bridges.
Amended
1876, ch.
257, post.

6. To authorize any town or towns liable for the erection, care, repair and maintenance in whole or in part of any bridge (except in the cases specified in the last three preceding subdivisions), to borrow such sums of money in the manner provided in subdivision twenty-nine of this section, as may be necessary for the purposes of such erection, care, repair and maintenance, and to pay any existing debt incurred in good faith by, or in behalf of, such town or towns for such purpose before the passage of this act. But no authority shall be exercised under this subdivision, except upon the application of the town or towns liable to be taxed for such purpose, to be made by vote of a majority of the electors thereof voting, at a regular town meeting, or at a special town meeting called for the purpose, or upon the application of the supervisor, by and with the consent of the commissioner of highways, town clerk and justices of the peace of such town or towns respectively. If any town, at a regular town meeting held between the first day of February, eighteen hundred and seventy-five, and the passage of this act shall have elected commissioners for the purpose of building a bridge and providing money to pay for the same by the issuing of bonds or otherwise, such bonds, not exceeding the amount authorized at such town meeting, are hereby authorized and declared valid; but said bonds shall not be sold or otherwise disposed of for less than par. And the board of supervisors shall levy a tax on such town for the payment of such indebtedness at such times and in such amounts as may be necessary to meet the obligations incurred by said commissioners in pursuance of instructions given by such town at the time of electing said commissioners.

HIGHWAYS.

To author-
ize towns
to pur-
chase
plank-
roads,
turnpikes,
etc., 68 N.
Y. 259.

7. To authorize any town or towns, when application shall be made therefor by a vote of the majority of the electors voting on the question at any annual or duly called special town meeting, to purchase, and any company owning the same, to sell, the whole or any part of any plank, macadamized or turnpike road, or any toll bridge in such town or towns, or the franchises thereof, for free public use, and to determine the proportion of expense proper to be borne by each town, where there shall be more than one town applying, for this purpose.

Road dis-
tricts.
Amended
1876, ch.
253, post.

8. To authorize the consolidation, in any town, of two or more of the established road districts therein, and to constitute the territory of any incorporated village which is not now an independent road district, into a separate road district; and to provide for the election or appointment of overseers of highways, or superintendent of streets in such districts, and prescribe the manner in which the highway labor assessed and highway taxes collected in such consolidated or separate districts shall be expended and accounted for.

9. To authorize in any county containing an incorporated city of one hundred thousand inhabitants or upwards, when any territory adjoining such city has been mapped out in pursuance of law, into streets and avenues conforming to, and forming an extension of the system of streets and avenues of such city, the laying out, closing and change of line of any such street or avenue. (Amended 1880, ch. 365, *post*, p. 1000.)

To authorize laying out, etc., of streets in certain cities.

10. To authorize the laying out of highways of a less width than is now required by law and of reducing the width of highways now in existence. (Amended 1876, ch. 257, *post*).

Reducing width of highway, 10 Hun. 406.

11. To authorize and direct the highway commissioner or commissioners of any town to cause survey to be made at the cost of the town, of any or all highways in such town, and to make a complete and systematic record thereof, or to revise, collate and re-arrange existing records of highways and to correct and verify the same by new surveys, and to establish the location of highways by suitable monuments whenever such commissioner or commissioners may deem expedient. Such records so made or revised, corrected and verified, shall be deposited with the town clerk of such town and shall thereafter be the lawful records of the highways which they describe, but shall not affect the rights pending in any judicial proceedings commenced prior to the deposit with the town clerk of such new or revised records.

Surveys and records of highways

12. Upon the application of the owners representing a majority in value (as shall be ascertained from the last annual town assessment rolls) of the real estate lying along the line of any highway, laid out through unimproved lands, to appropriate the non-resident highway tax on the lands lying along said line, for the improvement of such highway under the direction of a commissioner or commissioners to be appointed by the board of supervisors. But this provision shall not apply nor interfere in any case where the same object is provided for by any special law passed prior to the first day of January, one thousand eight hundred and seventy-five.

Non-resident highway tax.

EXTENSION OF TIME FOR COLLECTION OF TAXES.

13. To authorize the county treasurer to extend the time for the collection of State, county and town taxes, in any town or ward, to a period not beyond the first day of April in any year. But no extension shall be permitted in any case until the collector or receiver of taxes of the town, city or ward in which such extension shall be asked, shall pay over to the county treasurer all the taxes collected by him, renew his bond to the supervisor with such security as the said supervisor shall approve, and furnish evidence by his oath and such other competent testimony as such treasurer shall require, that he has been unable, for cause stated, to collect all the taxes within the time required by his warrant.

TAXATION OF DOGS.

14. To impose a tax on dogs within the several towns, for the purpose of providing means thereby to pay damages done to sheep by dogs, and to make proper provisions for the enforcement of the payment of such tax.

APPLICATION OF PENALTIES IN TOWNS.

15. To direct the payment, by justices of the peace, of all fines and penalties imposed by and paid to such justices in their respective towns, to the supervisors of such towns, respectively, be applied by

them toward the support of the poor of such towns, or to the superintendents of the poor when the support of the poor is a county charge.

PRESERVATION OF GAME AND FISH.

16. To provide for the protection and preservation, subject to the laws of this State, of game, animals and birds, and of fish and shellfish in all waters within the territorial jurisdiction of the county, and to prescribe and enforce the collection of penalties for the violation of any laws or regulations they may make pursuant to the provisions of this subdivision.

EMPLOYMENT OF OFFENDERS.

17. To provide for the employment for hire, or in the work of the county, of persons who shall be convicted of drunkenness or misdemeanor or as disorderly persons, or vagrants, or of any crime less than a felony, and who may be sentenced to confinement at hard labor in the county jail; and to contract with the authorities of any other county for the reception into the penitentiary of such county, and the custody and employment at hard labor therein, of any person who may be convicted of any of the aforesaid offenses and sentenced to confinement at hard labor for a term exceeding sixty days.

JAIL LIMITS.

18. To establish, on the recommendation of the county court, and to alter, from time to time, as such court shall recommend, the liberties of the county jail or jails for the purposes defined by statute.

SPECIAL TOWN MEETINGS.

19. To provide for the calling and holding of special town meetings to consider and decide any question upon which the electors of the town may be called to take action in accordance with the provisions of this act.

TOWN AND VILLAGE HALLS.

20. To authorize any town, when application shall be made therefor by vote of a majority of the electors voting on the question at any annual or duly called special town meeting, and any village, when similar application shall be made by a vote of a majority of its tax-paying electors voting on the question at a duly called special meeting, to purchase a site for a town or village hall, and to purchase or erect a building for such hall, and to raise money as may be necessary, from time to time, for the care, preservation and improvement of such hall.

VILLAGE FIRE APPARATUS.

21. Upon application, based on the vote of a majority of the tax-paying electors, voting on the question, at a special election duly called for the purpose, to authorize any incorporated village, whose charter does not give sufficient power, to purchase apparatus, for the extinguishment of fires, to provide, by lease or purchase, suitable places for the safe-keeping of such apparatus, and to borrow money on its corporate bonds, when necessary, to pay for the same, and for the purposes specified in subdivisions twenty and twenty-three of this section, and also to impose taxes for such purposes, and to reimburse loans contracted therefor, with annual interest thereon, in the same

manner as other taxes for general village purposes are imposed and collected.

CEMETERIES.

22. To authorize the proper authorities of any incorporated cemetery association, or trustees owning or controlling cemetery lands outside of any incorporated city to purchase or otherwise acquire additional lands for cemetery purposes, and to sell and convey lands owned by such association or trustees and not needed for such purposes, and to appropriate the proceeds of such sale to the improvement, embellishment or preservation of such cemetery, including buildings, fences and other erections thereon, and the approaches thereto, and to the payment of the purchase-money of real estate contained in such cemetery.

23. To authorize, on application, in the case of a town, of the supervisor, town clerk and justices of the peace of such town, or of a majority of such officers, and in the case of a village, the board of trustees of such village, any town or village owning or having the legal supervision of a cemetery lot, to enlarge, newly fence or otherwise improve the same, and in cases where, in their judgment, such removal shall be proper, to authorize the removal of interred bodies to proper cemetery grounds. But no such removal of bodies shall be made in any case, except after at least thirty days' personal notice, or where said notice cannot be given by reason of the non-residence of the party to be notified, a publication in the newspaper published nearest to the place of burial of such bodies, to the representatives of the persons whose bodies are proposed to be removed, if there be such representatives known, of the intention to remove such bodies. And such representatives shall be allowed not less than thirty days to remove such bodies. Provision shall also be made that the bodies so removed, shall each, when distinguishable, be inclosed in a separate box or coffin, and that every monument, headstone, footstone, slab, board or other designation or distinguishing mark, shall be carefully removed and properly placed with the body with which it is connected, and properly set up at the time of the interment of such body, and members of the same family shall be placed in contiguous graves.

24. To authorize any town, village, society or association having the title to a cemetery lot from which the bodies may be removed, pursuant to the authority given by the last preceding subdivision, to sell and convey such abandoned cemetery lot, and to appropriate the proceeds of such sale to the payment of the expenses, when necessary, of such removal and reburial, and to the purchase of new cemetery grounds and the payment of obligations incurred on account of purchases for such purpose, made before such removal of the bodies. When any lands shall be sold and conveyed, pursuant to this and the twenty-second subdivision of this section, they shall be no longer exempt from taxation as cemetery grounds.

TAX RECEIVERS.

25. To authorize any town which shall make application therefor by the vote of an annual town meeting, to elect a tax receiver in place of a collector whenever the aggregate of State, county and town taxes in such town shall exceed the sum of fifty thousand dollars, and in such case to prescribe the mode of the collection of taxes, the security to be given and the commission or other compensation to be allowed to such tax receiver for his services.

Amended
1878, ch.
133, post.

TOWN MEETINGS BY ELECTION DISTRICTS.

Amended
1878, ch.
285, post.

26. Upon the application of any town duly made by the vote of any annual town meeting, to authorize the annual town meetings and all special town meetings in such town, to be held by election districts, and to prescribe the manner in which the town business shall be conducted in such districts and the results ascertained and recorded.

DESIGNATION OF NUMBER OF ASSESSORS.

Amended
1880, ch.
504, post, p.
1038.

27. To designate, upon the application of any town, duly made by the vote of its electors at an annual town meeting, the number of assessors of such town, as their terms expire, not to exceed three, and when the number of assessors shall be reduced to one, to increase his compensation to an amount not exceeding three dollars per diem.

UNION SCHOOL DISTRICTS.

Amended
1878, ch.
280, post.

28. To authorize boards of trustees or of education in any union free school district established in conformity to the general or to any special law of this State on the application of a majority of the taxable inhabitants of the district, voting on the question at a duly called meeting, to sell or exchange real estate belonging to the district, for the purpose of improving or changing school-house sites, and to increase or diminish the number of members of such boards.

TOWNS AUTHORIZED TO BORROW MONEY.

28. To authorize any town to issue its bonds and borrow money thereon, for a term not exceeding twenty years, for any purpose specified in subdivisions six, seven, twenty and twenty-three of this section; but every act of such board of supervisors authorizing such loan shall provide for the imposition of taxes to pay the same in equal yearly installments with the interest thereon, within the time specified in this subdivision.

TAX TO PAY LOANS.

30. To provide for the assessment, levy and collection, in the same manner as other town and county taxes are assessed, levied and collected, of any charge which may be incurred by any town or by the county at large, under the provisions of this act.*

Powers,
when to
be exer-
cised.
Vote re-
quisite to
pass re-
solutions.

§ 2. The powers hereby conferred (except as stated in section seven) shall be exercised by boards of supervisors at stated sessions, to be fixed by them, or at special sessions to be called by a majority of their number, or to be held by adjournment from a previous session. Every resolution proposing a change in the location of a county court-house, jail or clerk's office, and every resolution proposing action under any previous law wherein the assent of two-thirds of all the members of the board is required, shall require for its passage the assent of two-thirds of all the supervisors elected to the board, and every other resolution adopted in pursuance of this act shall require for its passage the assent of a majority of all the supervisors elected to the board, to be ascertained by taking the yeas and nays, which shall be recorded in its journal of proceedings. And every resolution adopted in pursuance of the provisions of the first section of this act and of any previous act conferring legislative powers on boards of supervisors shall be prefixed by a title concisely expressing its contents, following which shall be a reference to the law or laws, from which the authority to

Form and
contents
of resolu-
tions.

* Five additional subdivisions were added to this section by L. 1880, ch. 512, post, p. 1040.

pass the resolution shall be derived, and a statement of the vote, whether by two-thirds or a majority of all, by which it was passed, and in the cases where it is required that the resolution should receive the assent of the supervisor of the town to which it applies, the fact whether or not it received such assent shall be also stated, and all resolutions so adopted shall be numbered in the order of their passage and certified by the chairman and clerk, and, within six weeks after the close of each session, published in the newspapers in the county appointed to publish the session laws of the Legislature. And an official copy of all such resolutions, duly attested by the signatures of the chairman and clerk and by the official seal of the board, shall be filed in the office of the county clerk within one week after the close of any session, and an exemplified copy of any such resolution under the hand and seal of such county clerk shall be presumptive evidence of the passage of such resolution, in all the courts of this State. The compensation to be paid for publishing such resolutions shall be fixed by the board of supervisors and paid for as a county charge.

To be published.

Copies of resolutions to be filed.

Evidence. See L. 1873, ch. 219, post, p. 566.

Compensation for publishing.

§ 3. In every resolution of a board of supervisors authorizing the issue of bonds or other obligations, there shall be contained a provision requiring adequate security in addition to the security now required by law, to be given by the officer, or by the board of officers authorized to issue them, for the faithful performance of his or their duty, in the issue of such bonds, and the lawful application of the funds arising therefrom, and the full accounting therefor, and of the funds which may be raised by tax for the payment thereof, which may come into his or their hands, annually, to the board of supervisors.

Resolution authorizing issue of bonds.

§ 4. In every resolution of such board, authorizing the issue of any bond or other obligation of debt, the form of the obligation to be issued, the time and place of payment thereof, and the rate of interest to be paid thereon, not exceeding seven per cent per annum, shall be specified, and no bond or other obligation shall be sold by the county, or by any city, town or village, for less than the par value thereof.

§ 5. No change shall be made in the location of any county building beyond the boundaries of the incorporated village or city where it may be situated, unless approved, if in the case of a court-house, jail or county clerk's office, by a vote of two-thirds of the electors of the county voting thereon, and in other cases, by the vote of a majority of such electors, to be determined by ballot at the annual town meeting in any year, and of which proposed vote, previous notice shall be given by publication of a resolution of the board of supervisors passed by a two-third vote of all the members thereof in the proceedings of the annual meeting of the board next preceding the submission of such question, and in such other manner as the board shall prescribe. No sale of any site or building where the location shall be changed shall be made, except to the person or persons who shall pay the greatest sum therefor, after publication once in each week for six successive weeks of a notice specifying the time and place of receiving sealed proposals for such sale in the newspapers published at the county seat; or, if no newspaper be there published, then the two newspapers next nearest to such county seat; and, in case of a sale, conveyance by deed shall be made in behalf of the county, by such county officer as the board shall authorize to make such conveyance.

Change in location of county building.

Sale of sites and buildings.

§ 6. Whenever, in the exercise by a board of supervisors of any of the powers conferred by this act, any enactment shall be made which shall be in conflict with any existing statute law of this State, such

When statute law conflicts.

law, or so much thereof as shall so conflict, shall, for the purposes of this act, be inoperative in the case or cases provided for by such enactment.

§ 7. County boards of supervisors shall also have authority, by resolution, to be duly entered in their minutes of proceedings, and to be published therewith:

To determine contested membership.

1. To determine, unless the same shall have been determined by a court having jurisdiction thereof, upon the returns of the proper certifying officers, and upon such other testimony furnished to them as would be competent in a court of law, all cases of contested membership in their respective boards, and, when so determined in any case, the decision shall be conclusive as to the right of the parties to the contest.

To make rules, etc.

2. To make rules for the conduct of their proceedings, to compel the attendance of absent members at meetings of their respective boards, and for the maintenance of order and decorum at such meetings, and to enforce pecuniary penalties, not exceeding fifty dollars for each offense, for the violation of such rules.

To determine newspapers for publishing election notices, etc.

3. To determine, after the fifteenth day of November, eighteen hundred and seventy-five, except in the county of Kings, in what newspapers, not to exceed two, the election notices issued by the Secretary of State, and the official canvass shall be published, and to fix the compensation for such publication. But in cases where such publication shall be ordered to be made in two newspapers such papers shall be of opposite political character.

Compensation.

§ 8. For the services of supervisors, except in the counties of New York, Albany and Kings, at the sessions of their respective boards, each supervisor shall receive from the county compensation at the rate of three dollars per day, including the whole day of twenty-four hours. Each supervisor shall also receive from the county for his services in making a copy of the assessment roll of his town or ward, including the extension of the tax list to be delivered to the collector or receiver of taxes, compensation at the rate of three cents for each written line for the first one hundred written lines on said roll and list, and two cents per line as aforesaid for the second hundred written lines, and one cent per line as aforesaid for all written lines in excess of three hundred. He shall also receive mileage at the rate of eight cents per mile for once going and returning from his residence to the place where the sessions of the board shall be held, by the most usual route, for each regular or special session provided for by this act. No other compensation, fee, charge or allowance of any kind shall be made to any supervisor for his services, except such as shall be by law a town charge; and any supervisor who shall receive or vote for any allowance in violation of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction, pay, for the use of the county, such penalty as the court having cognizance of such offense shall adjudge, not exceeding two hundred and fifty dollars. But nothing in this section shall forbid the payment to any supervisor of his actual expenses incurred in any investigation or other duty which may be lawfully committed to him by the board, and which shall require his attendance at any place away from where he shall reside, and five miles or more distant from the place where the board shall hold its sessions. And all provisions of law inconsistent with this section are hereby repealed.

§ 9. This act shall take effect immediately.

CHAP. 495.

AN ACT relating to the court of arbitration of the Chamber of Commerce of the State of New York, and to provide for the expenses thereof.

PASSED June 5, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter two hundred and seventy-eight of the laws of eighteen hundred and seventy-four, entitled "An act to amend chapter two hundred and fifty-one of the laws of eighteen hundred and sixty-one, and to provide for the arbitration of mercantile disputes in the port of New York," passed April twenty-nine, eighteen hundred and seventy-four, is hereby amended; and such amendments are comprised in the following sections of this act:

Amending
ch. 278,
Laws 1874.
Ante, vol.
9, p. 888.

§ 2. The arbitrator of the court of arbitration of the Chamber of Commerce of the State of New York holds office during good behavior, and may be removed by the Governor, if, upon due notice and after a hearing, he is found guilty by the Governor of malfeasance, misfeasance or continued non-feasance in office. The expression "official arbitrator," as used in this act, refers to the officer designated in this section. In case of the resignation, removal or death of such official arbitrator, his successor must be nominated and appointed by the Governor, with the advice and consent of the Senate, and commissioned by the Governor. Every such official arbitrator appointed after this act takes effect, must file with the Secretary of State the Constitutional oath of office. Unless he files his oath of office within ten days after his confirmation by the Senate, he is deemed to have declined the office.

Term of
office of
arbitrator.

"Official
arbitra-
tor."
Vacancy.

Oath of
office.

§ 3. The official arbitrator has power to administer oaths and affirmation, to be used before any court or officer; to take the proof and acknowledgment of any charter-party, marine protest, contract or other written instrument; and to require any witness to appear and testify before him, or the said court of arbitration, or before the board of arbitrators hereinafter provided for in matters pending in said court. He must adopt and promulgate short and simple rules to be observed in proceedings taken as prescribed in this act; and he has power to do and order whatever may be necessary to carry out the provisions of this act.

Powers of
arbitrator.

§ 4. The clerk of the said court of arbitration is known as the arbitration clerk, and holds office during the pleasure of said chamber. In case of his death, resignation or removal, the said chamber of commerce must elect his successor. The Governor must appoint and commission the person so elected; but before such commission can be issued, the person so elected must file in the office of the Secretary of State an official oath to the same effect as the Constitutional oath of office. Unless he files such oath within ten days after his election, he is deemed to have declined the office. The said chamber of commerce may authorize the arbitration clerk to appoint one or more assistants, and provide for their compensation.

Clerk.

§ 5. The arbitration clerk must safely and correctly keep all the minutes, documents, records, books and other papers and effects of the official arbitrator and of the said court of arbitration, and relating to the arbitration for which this act provides. Any person who steals,

Records of
the court.

mutilates or alters any book, record, or paper filed with or kept by the arbitration clerk, is guilty of the same offense, and is punishable therefor in the same manner as if such act was committed with respect to a record kept, as prescribed by law, in the office of the clerk of the county of New York.

Salaries.
Repealed
by ch. 238,
L. 1873,
part, p.
1115.

§ 6. The salary of the official arbitrator shall be at the rate of ten thousand dollars per annum, commencing with the first day of January, eighteen hundred and seventy-five, and shall be raised and paid out of the State treasury on the warrant of the Comptroller, in the same manner as salaries of judges of the Supreme Court. The salary of the arbitration clerk shall be three thousand dollars per annum, commencing at the same period, and shall be raised and paid in the same manner.

**Rooms and
fixtures.**

§ 7. Said chamber of commerce shall provide proper and convenient rooms and furniture, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of the business of said court; and such expenses shall be borne by said chamber, at its own proper cost and charges.

Seal.

§ 8. The seal now in use by the official arbitrator shall continue to be the seal of his office and of said court. Any award or order made pursuant to this act, or any certified copy thereof, must be authenticated by such seal. If the seal now in use is lost, injured or destroyed, the official arbitrator must cause a new seal to be made, which shall thereupon become such official seal.

**To con-
strue con-
tracts.**

§ 9. Upon the application of the parties interested, or their representatives, the official arbitrator must interpret or construe any oral or written contract, pertaining to any matter, which might be the subject of arbitration under the provisions of this act; and he must, if required by either party, make a written award thereupon.

**Submis-
sion of
controvers-
ies.**

§ 10. The parties to any controversy, dispute or matter of difference, arising or being within the port of New York, or relating to a subject-matter situate or coming within that port, as the collection district of that port is established and limited by the act of Congress of the United States of America, approved March second, seventeen hundred and ninety-nine, may voluntarily submit the same to the said court of arbitration of the chamber of commerce, by written submission or by personal appearance in said court, and in oral submission as hereinafter mentioned.

**Applica-
tions to
construe
contracts
and sub-
missions,
how made.**

§ 11. An application to interpret and construe a contract, as prescribed in the last section but one, and a voluntary submission as prescribed in the last section may be made in either of the following methods:

1. By filing with the arbitration clerk a written instrument containing such application, or submission executed by the parties and acknowledged or proved before the clerk of said court, or before any other officer authorized to take acknowledgment of a deed to be recorded in the county of New York.

2. By the voluntary appearance of the parties before the official arbitrator, which, together with the substance of any oral submission made by them, must be entered in the minutes. Upon making such an application or submission, if both parties request an immediate hearing, the official arbitrator must grant an immediate hearing accordingly, or a speedy hearing where the state of the business before him will allow him to do so. In either case, one member of a firm or partnership, or their attorney in fact, may make such execution, acknowl-

edgment, appearance or submission for and on behalf of all the members of such firm or partnership.

§ 12. The said court or arbitration in addition to the jurisdiction above conferred has power to determine, in the manner prescribed in this act, any controversy, dispute or matter of difference, upon any mercantile or commercial subject, where all the parties thereto are regularly elected members of the said chamber. For the purposes of this section, it shall be sufficient where firms or partnerships are concerned, that one copartner therein is such member of said chamber.

Jurisdiction.

§ 13. In a case specified in the last section, either party may serve personally upon the adverse party or one of two or more adverse parties, jointly interested in the subject-matter of difference, a written requisition directed to the adverse party or parties, requiring him or them to appear before the court of arbitration of the chamber of commerce of the State of New York, for the settlement of such controversy, dispute or matter of difference, at a place, and on a day and at an hour named in the requisition, not less than two or more than five days after the personal service of the same.

Requisition for settlement of controversies.

§ 14. A requisition may be served, and proof of the service thereof may be made in like manner, as where a summons issued out of the Supreme Court in a civil action is personally served, and proof of said service is made. The requisition shall be filed with the arbitration clerk any time before the expiration of one hour after the same is returnable.

How served.

To be filed.

§ 15. Either party to the controversy, dispute or matter of difference may, at any time before the expiration of one hour after the requisition is returnable, or within such further time as may be allowed by the official arbitrator or prescribed in the rules established by him, appoint, in writing, one person to sit with the official arbitrator, to hear and determine the matter. If neither party appoints an additional arbitrator as aforesaid, all the parties are deemed to have waived their right to do so; and the matter must be determined by the official arbitrator. If there are two or more parties on the same side, and they appoint different persons or arbitrators, or do not agree on one person, they are regarded as having failed to make any appointment. Upon a failure of a party to appoint an additional arbitrator, where the adverse party has appointed one, the official arbitrator must appoint a disinterested person, not of kin to either party, to sit as a member of the board of arbitration; and the matter must proceed as if the party in default had appointed such person as additional arbitrator. An appointment of an additional arbitrator is not complete unless it is filed with the arbitration clerk.

Additional arbitrators.

§ 16. Where the parties to a controversy, dispute, or matter of difference, voluntarily submit the same to the arbitration of the said court of arbitration, either of them may, at the time of filing the written submission or voluntarily appearing to submit the same, or within such time as may be allowed by the official arbitrator, or prescribed by the rules established by him, appoint a person to sit with the official arbitrator, to hear and determine the matter. The mode of so doing, the proceedings to be taken in behalf of the other party, and the consequences of a failure of either or both of them, to make such appointment, or of an appointment of different persons by two or more parties on the same side, are the same as prescribed in the last section, in a case where a requisition has been issued.

Failure of
additional
arbitrator
to appear.

§ 17. If the additional arbitrator, appointed by either party, fails to appear, at the time set for the hearing, without proof of the existence of a good reason for such failure, and that it is of a temporary nature, made by the party appointing him, to the satisfaction of the official arbitrator, his appointment must thereupon be declared to be vacated and the same party must forthwith appoint another person to act in his place. Upon failure so to do, or failure of the person so appointed to appear then, or at the time, if any, to which the official arbitrator adjourns the hearing, the official arbitrator must appoint a disinterested person, not of kin to either party, to act in his place.

Oath of
additional
arbitra-
tors.

§ 18. Each of the persons appointed as additional arbitrators, by or for the respective parties, must subscribe and take before the official arbitrator an oath, honestly, truly and fairly to hear and determine the matters thus submitted to the arbitrators. The oaths so taken must be filed with the award. The official arbitrator need not be sworn in the particular case.

Board of
arbitra-
tion.

§ 19. Where additional arbitrators are appointed and sworn, as prescribed in the last four sections, they and the official arbitrator constitute the board of arbitration to determine the controversy, dispute or other matter of difference, and they must all sit in the matter; and the order, award and decision of any two of them shall be the judgment of the said court of arbitration.

Evidence.

§ 20. The official arbitrator, or, where the hearing is before a board of arbitration, the majority of the board may, after hearing the allegations and testimony of the respective parties, or of those parties who desire to testify, and, upon notice to both parties, direct that further evidence be taken, if he or they deem further evidence necessary to enable justice to be done between the parties. A witness is entitled to the same fees as in an action in a court of record. A commission to take testimony without the State may be allowed by the official arbitrator, and issued in the same manner and with the same effect as in an action brought in a court of record. The hearing may be from time to time adjourned, upon the application of either party, and reasonable cause shown to the satisfaction of the official arbitrator, or, where the hearing is before a board of arbitration, to the satisfaction of a majority thereof.

Witness's
fees.

Commis-
sion to
take testi-
mony.
Adjourn-
ments.

Award.

§ 21. Within ten days after the final hearing, the official arbitrator, or the board of arbitration, or majority thereof, as the case requires, must make and file with the arbitration clerk a written award, under his or their hands, stating his or their decision for the settlement of the controversy, dispute or matter of difference, heard and determined by him or them.

Rehear-
ing.

§ 22. Instead of making an order to fulfill the award, the official arbitrator may, for good cause shown, upon notice to and after hearing the parties, make an order directing that the controversy, dispute, or other matter of difference, be heard again, either before the same court, or before another board of arbitration, appointed as prescribed in this act, upon the first hearing. But the party applying for such rehearing must give security in such amount and form as shall be approved by the official arbitrator, for the payment of all the costs and expenses of the other party or parties incident to such rehearing, and for the payment or performance of any award which may be rendered against any party so applying, and of any judgment which may be entered thereon. Upon the rehearing the proceedings must be the same as upon the first hearing, and the provisions of this act relating

to the first hearing, the award, the order, and the subsequent proceedings thereon, apply similarly to the rehearing.

§ 23. The final award, the order to enforce the same, and the judgment to be entered thereupon, may be vacated for fraud, collusion, or corruption; but not for any other cause. Unless it is so vacated, the award is binding and conclusive upon all parties thereto, and effects a final settlement of the controversy, dispute, or matter of difference, submitted or tried as prescribed in this act. It must be upheld and sustained accordingly, in all the courts of the State.

When
award con-
clusive.

§ 24. If the award construes any contract or requires either party, or both parties, to do or forbear doing a particular act or acts, or to pay a sum of money, the official arbitrator must, at the request of either party, make an order reciting the provisions of the award, and directing the fulfillment thereof by the party or parties required to fulfill the same. The order must, at the instance of either party, be filed in the office of the clerk of the county of New York, who must enter the same, upon being paid his fees therefor. If the order requires the payment of a sum of money, or the delivery of any property, either party may, upon filing the same, require the clerk of said county to enter thereupon a judgment of the said arbitration court against the party or parties required to pay such sum of money, or deliver any property, and in favor of the party or parties to whom it should be paid or delivered. The judgment must be entered and docketed accordingly, in the manner prescribed by law for entering and docketing a judgment of the Supreme Court in a civil action, and transcripts may be filed with other clerks in like manner as if a judgment in a civil action. Such judgment has the same force and effect as a judgment of the Supreme Court of similar purport in a civil action, and it must be enforced in the same manner and by the same process and officers, and it may be satisfied of record and discharged in like manner as a judgment of the Supreme Court in a civil action.

Judgment,
its effect,
and how it
is to be
enforced.

§ 25. No costs, except as hereinafter specified, shall be allowed to either party in any proceedings taken as prescribed in this act, and except where a rehearing is granted, in which case the official arbitrator may, or, if the rehearing is before a board of arbitration, the board, or a majority thereof, may, in the award, require either party to pay the other a fixed sum for his costs and expenses.

Costs.

§ 26. False swearing, upon the hearing before the arbitrator, said court of arbitration, or board of arbitration, or, in the course of any proceeding taken as prescribed in this act, is willful perjury, in a case where such false swearing would be willful perjury upon the trial of a civil action brought in the Supreme Court, or in the course of any proceeding taken in such an action; and the person guilty thereof may be indicted and punished accordingly.

Perjury.

§ 27. Where any controversy, dispute or matter of difference, or the interpretation or construction of any contract has been submitted to or brought within the jurisdiction of the said court of arbitration, as prescribed in this act, no action or special proceeding relating to the same matter shall be brought in any court of the State, between the same parties, or their representatives or assigns, until after the final award thereupon; and if any such action or special proceeding is pending at the time of the submission, the same must be dismissed or discontinued, or the proceedings therein must be stayed, as the case requires. The official arbitrator, or the board of arbitration, as the case may be, constitute the said court of arbitration.

Effect of
submis-
sion on
legal pro-
ceedings.

Limit as
to juris-
diction.

§ 28. Nothing contained in this act is to be so construed as to give any jurisdiction to the said court of arbitration of the chamber of commerce of the State of New York, or to the official arbitrator or board of arbitration, except upon the voluntary submission, waiver or election of the parties, or non-attendance pursuant to a requisition, as prescribed in this act; or to permit any infant, married woman or person incapable of managing his affairs by reasons of lunacy, idiocy, unsoundness of mind or habitual drunkenness, to be brought before the official arbitrator, or the board of arbitration, as a party; or to apply to any matter pertaining to a fee or life-tenancy in real property.

Fees.
Repealed
by ch. 252,
L. 1873,
post, p.
1113.

§ 29. Fees are to be paid to the arbitration clerk as follows: In every case to be tried by said court of arbitration, the sum of twenty dollars by each of the respective parties thereto; for the construction of a contract, the sum of ten dollars each by every party thereto; for each acknowledgment of any instrument other than those mentioned below, the sum of twenty-five cents; for each acknowledgment of a charter party or marine protest the sum of one dollar; for each oath or affirmation other than those to be used in causes in said court of arbitration, the sum of twenty-five cents; for orders or copies thereof, and for copies of minutes, records or other writings, at the rate of ten cents for each one hundred words; for filing each submission or requisition, the sum of twenty-five cents. The fees where not otherwise specified are to be paid by the party at whose instance the service is rendered. The arbitration clerk shall make a sworn return on the first day of each month, of all the fees received by him pursuant to this section during the preceding month, and file the same with the Treasurer of the State of New York, and at the same time he shall pay over all moneys received by him for such fees, during such month, to the said Treasurer, to be applied toward paying the salary of said arbitrator, and the arbitration clerk. The arbitration clerk shall make and file with the Comptroller of the State a good and sufficient bond to the People of the State of New York, with sureties, and in a form to be approved by said Comptroller, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties under this section.

Sworn
statement
as to fees.

Clerk to
file bond.

§ 30. All acts and parts of acts, inconsistent with this act, are modified so as to conform to this act.

§ 31. This act shall take effect immediately.

CHAP. 508.

AN ACT to amend section third of title four of chapter eight of part third of the Revised Statutes.

PASSED June 7, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
2 R. S. 458,
2 Edm. 477,
6 Edm. 226.

SECTION 1. Section third of title four of chapter eight of part third of the Revised Statutes is hereby amended so as to read as follows:

§ 3. In suits brought by or against a corporation created by or under any statute of this State, it shall not be necessary to prove on the trial of the cause, the existence of such corporation, unless the defendant shall have alleged in the answer in the action that the plaintiffs or defendants, as the case may be, are not a corporation, nor unless the allegations in the answer that the defendant is not a corporation, be verified under oath in the manner provided by law for the verification of pleadings in actions in courts of record.

Repealed by L. 1880, ch. 245. See Co. Civ Proc., § 1776.

CHAP. 510.

AN ACT to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled "An act to amend the act passed February seventeen, eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" passed April twentieth, eighteen hundred and seventy-one.

Corporations.

PASSED June 7, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twelfth section of the "Act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, as said section was amended by chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, is hereby further amended so that section twelve shall read as follows:

Amending
ch. 40,
Laws 1848,
ch. 667,
Laws 1871,
9 Edm. 116

§ 12. Every such company shall within twenty days from the first day of January, if a year from the time of the filing of the certificate of incorporation shall then have expired, and, if so long a time shall not have expired, then within twenty days from the first day of January in each year after the expiration of a year from the time of filing such certificate, make a report which shall be published in some newspaper published in the town, city or village, or if there be no newspaper published in said town, city or village, then in some newspaper published nearest the place where the business of the company is carried on, which shall state the amount of capital, and of the proportion actually paid in, and the amount of its existing debts, which report shall be signed by the president and a majority of the trustees, and shall be verified by the oath of the president or secretary of said company, and filed in the office of the clerk of the county where the business of the company shall be carried on, and if any of said companies shall fail so to do, all the trustees of the company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such report shall be made; but whenever under this section a judgment shall be recovered against a trustee severally, all the trustees of the company shall contribute a ratable share of the amount paid by such trustee on such judgment, and such trustee shall have a right of action against his co-trustees, jointly or severally, to recover from them their proportion of the amount so paid on such judgment; provided, that nothing in this act contained shall effect * any action now pending.

Report.

§ 2. This act shall take effect immediately.

Sembla. under this amendment it is no longer necessary to specify separately the amount of cash paid in and the amount of stock issued for property transferred to the company. *Pier v. George*, 14 Hun, 568, 17 Hun, 207.

* So in the original.

CHAP. 512.

AN ACT to amend an act entitled "An act to facilitate the forming of agricultural and horticultural societies," passed April thirteenth, eighteen hundred and fifty-five.

PASSED June 7, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 426,
Laws 1855.
3 Edm. 765

SECTION 1. Section four of an act entitled "An act to facilitate the forming of agricultural and horticultural societies," passed April thirteenth, eighteen hundred and fifty-five, is hereby amended so as to read as follows:

Stock-
holders.

§ 4. Any person who shall pay into the treasury of said society annually a sum not less than fifty cents, as prescribed by the by-laws of said society, shall be a stockholder and entitled to all the privileges and immunities thereof, or any society may, by a majority vote and by filing a certificate to that effect in the county clerk's office of the county where it is located, divide the amount of real and personal property authorized by section two of this act into shares of not less than ten dollars each and sell the said shares at not less than the par value thereof to raise money for the purpose contemplated in this act, or may cause books to be opened by said directors for the subscription of capital stock to said corporation at such time and places and in such manner as they deem best. The capital stock of said corporation to be subscribed for under this section shall not exceed forty thousand dollars, and shall not be less than five thousand dollars, and shall be divided into shares of ten dollars each and shall be paid in cash by the subscribers thereto at the time of such subscription, and the moneys so raised shall be subject to the provisions of section two of this act, and any person owning one or more of said shares of stock shall be a member and stockholder of said society, and may have one vote for each share so owned by him at any stockholders' meeting of said society. Dividends may be made from the earnings of said society and paid to the owners of said stock to the amount of ten per cent per annum, but no such dividend shall be made when the society is in debt.

Capital
stock.

Dividends.

Superseded by ch. 846, L. 1876, *post*, p. 809.

CHAP. 514.

AN ACT to provide for the election of police justices in villages.

PASSED June 7, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When
trustees
may deter-
mine to
elect
police jus-
tice.

SECTION 1. Upon the application in writing of not less than twenty-five electors, inhabitants of any incorporated village in this State, in which no provision now exists for the election of a police justice, the board of trustees of such village may determine, by resolution to be entered in their minutes of proceedings, that a police justice shall be

elected for such village; and if they shall so determine, the electors of the village may at their then next annual election, or at a special election to be called for the purpose and to be conducted in the same manner as the annual election, choose a police justice who shall be a resident elector of the village, and shall enter upon the discharge of his duties as soon as he shall be duly notified of his election and shall take and file in the office of the village clerk the Constitutional oath of office, and a bond with sureties in such sum as the board of trustees shall prescribe and to be approved by such board, conditioned for the faithful performance of his official duties. Such police justice shall hold his office until the thirty-first day of December in the third year succeeding his election. Thereafter the term of such office shall be three years, commencing with the first day of January, and at the annual charter election next preceding the expiration of a regular term, a police justice shall be elected on the same ticket with other elective village officers. Whenever a vacancy shall occur in the office of such police justice, it shall be filled by appointment to be made by the board of trustees; and the person thus appointed shall hold his office till his successor, who shall be chosen at the next annual election, for the unexpired portion of the term, shall have taken and filed the Constitutional oath of office and bond as hereinbefore provided.

§ 2. Such police justice shall have the same powers and jurisdiction within the village for which he shall be elected or appointed and shall perform the same duties and be subject to the same liabilities in criminal cases as justices of the peace in towns, and his judgments and proceedings may be reviewed in such cases in the same manner as in the case* of such justices of the peace. He shall have power to try actions brought to recover fines, penalties and forfeitures for the violation of any by-law, ordinance, rule or regulation of such village and to give and enforce judgment thereon. He shall also have authority to take affidavits in all matters of village administration, but shall have no other civil jurisdiction. He shall receive for his services an annual salary, to be fixed by the board of trustees, which shall not be increased or decreased during his term of office, but shall not retain to his own use any costs or fees.

§ 3. It shall be the duty of the said police justice to provide a suitable book, and therein to enter and keep a record of the several complaints made before him, in which a warrant or other process for the arrest of any person accused shall be granted, and of all cases in which the offender or person accused shall be brought before him without process; which record shall contain, under the proper date, a brief statement of the names of the parties, the nature of the offense charged, the action of the said police justice thereon; and an accurate account of all fines, penalties and costs imposed and collected by him or which may be ordered to be paid by any offender. And annually, at least two weeks before the time appointed for holding the charter election of said village, and oftener when required by resolution of the board of trustees, he shall make a report in writing to the clerk of the village of all fines, penalties and costs imposed and collected by him; and the same day on which he shall make such report he shall pay over to the treasurer of such village all fines, penalties and costs in his hands belonging to said village. The provisions of this act shall not apply to any village in the county of Madison.

§ 4. This act shall take effect immediately.

Election
and qual-
ifications.

Term of
office.

Vacancy

Powers
and juris-
diction.
Amended
1876, ch.
308, post.

Salary.

Records.

Report.

* So in the original.

CHAP. 518.

AN ACT to amend chapter fifty-one of laws of eighteen hundred and sixty-four, entitled "An act in relation to the Bureau of Military Statistics."

PASSED June 7, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

*Ante, vol.
6, p. 230.*

SECTION 1. Section one of chapter fifty-one of laws of eighteen sixty-four*, entitled "An act in relation to the Bureau of Military Statistics," is hereby amended so as to read as follows:

§ 1. The books, records and other property deposited in the Bureau of Military Statistics shall be open to free inspection and use at all reasonable hours, but no book or article shall be taken therefrom.

§ 2. This act shall take effect immediately.

CHAP. 519.

AN ACT providing for the appointment of trustees of the estates of persons absenting themselves from their domiciles in this State and remaining unheard of, or suddenly disappearing.

PASSED June 7, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

*When
court may
appoint
trustees.*

SECTION 1. Whenever any person having a domicile in this State shall remain beyond the sea, or shall have remained beyond the sea, or shall absent himself in this State or elsewhere, or shall have absented himself in this State or elsewhere, and shall remain, or shall have remained, unheard from for the space of three full year* next preceding the time of the application herein in this section provided for, or whenever any person having a domicile within this State shall suddenly or mysteriously disappear, or shall have suddenly or mysteriously disappeared, under such circumstances as shall satisfy the court that there is reasonable ground to believe that such person is lost, or has become insane and cannot be found, or is dead, or has been made way with, then, and in any such case, on the application by petition of any of the nearest relatives of such person, or if there be no relatives of such person within this State who shall so apply, then, upon the application of any creditor of such person or upon the application of the county treasurer of the county in which shall be or shall have been the last known domicile of such person, the Supreme Court shall appoint a trustee or two or more trustees of the estates, real and personal, of such person.

*Trustees
to give
bonds.*

§ 2. Before entering upon the duties of the trust, the trustee or trustees so appointed shall execute and file with the county clerk of the county where was the last known domicile of such person, a bond in such penalty and with such surety or sureties as shall be approved of in the manner directed and provided for in the order appointing such

* So in the original.

trustee or trustees, which bond shall provide for the faithful performance of the duties of the trust for a just and true accounting whenever thereunto required by the said Supreme Court, and for a full and complete transfer and delivery or distribution of all property and estates which may come into the hands of such trustee whenever thereunto required by the said Supreme Court.

§ 3. Such trustee or trustees shall become and be vested with all the property, real and personal property, rights, things in action and evidences of property and indebtedness which were or may be of such person so absent or having so disappeared, and shall have power and authority to enter into and upon and to take possession of all such property, real and personal, to receive payment and discharge any and all debts, dues and demands to, or in favor of such person, to sue in any and all courts for the recovery, enforcement and collection of such property, rights, things in action, evidences of property or indebtedness and of all debts, dues and demands to or in favor of such person or such trustee or trustees.

Functions
of trustee.

§ 4. The Supreme Court may make such direction as to it shall seem equitable, for the application of the estate or property or any portion thereof in the hands of such trustee or trustees to the payment of any judgment creditor of the person or estate of such person so absent or having so disappeared, or to the support and maintenance of the family of such person, and shall have power to direct such trustee or trustees to dispose of such estate or property as the law and the rights of parties interested may require.

Court to
control
estate.

§ 5. In case the person so absent or disappearing shall prove to be alive, said trustee or trustees shall surrender to him all property and effects which shall have come into the hands of such trustee or trustees, and in case letters testamentary shall be granted upon the last will and testament of the person so absent or having so disappeared, or in case letters of administration upon his estate shall be issued, such trustee or trustees shall surrender to the executors or administrators receiving such letters of administration or such letters testamentary, all property, effects and estates of such person as under their appointment such executors or administrators may lawfully demand or receive, and under the direction of said Supreme Court, shall surrender to the heirs at law, devisees or legatees of such person, such property, effects and estates, as said executors or administrators may not lawfully demand or receive; and under the direction of the court shall render a full account of the property so received by them.

When trustee
surrender
property.

§ 6. Such trustee or trustees shall be allowed out of the estate and property in his or their hands all lawful disbursements in and about the discharge of the duties of such trust, and shall also be allowed commissions upon the estate and property which shall come into his or their hands, equal in amount to the commissions allowed by law to executors or administrators.

Commissions.

§ 7. From any order made pursuant to the provisions of this act an appeal may be taken in the manner and with the effect provided by the Code of Procedure in civil actions in the Supreme Court, and the said Supreme Court may direct a reference in respect to any of the matters in this act provided for.

Appeals.

§ 8 This act shall take effect immediately.

Repealed by L. 1880, ch. 245. See Co. Civ. Proc., § 2668, etc.

CHAP. 520.**AN ACT relative to the civil code.**

PASSED June, 7, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners appointed by virtue of chapter thirty-three of the laws of eighteen hundred and seventy to revise the statutes of this State are hereby authorized to incorporate in, and make part of such revision, the civil code, heretofore reported to the Legislature by the commissioners of the code, or so much thereof as the said commissioners for the revision of the statutes may deem advisable, with the same effect as though the said civil code were now a part of the statutes of this State.

CHAP. 522.

AN ACT to authorize the various associations and societies incorporated under the laws of the State of New York for the purpose of taking care of and protecting destitute infant minor children, to bind out by indenture destitute children who are in their care and keeping.

PASSED June 7, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Societies
may bind
out chil-
dren on
consent of
court.

SECTION 1. Every society or association incorporated under the laws of this State for the purpose of taking care of and protecting destitute infant minor children may, with the consent of any justice of the Supreme Court, or of the county judge in the county wherein such society or association may be situated, such consent to be expressed in writing on the indentures, bind out any destitute minor child or children, which have been in their care and keeping for three months, of the age of eight years and upward, by indenture, to serve as clerk, apprentice, or servant in any profession, trade or employment; if a male, for a period which shall not be beyond his twenty-first year, and if a female, for a period which shall not be beyond her eighteenth year.

Inden-
tures.

§ 2. Such indenture shall be executed under seal and signed by such officer of such society or association as shall be authorized by the directors or trustees of such society or association to sign such indenture, and shall be signed also by the person employing such apprentice or minor child.

§ 3. The age of every infant so bound and the sum of money paid or agreed for, with, or in relation to the binding out of such minor child shall be inserted in the indenture, and such age shall be taken prima facie to be the true age without further proof thereof.

§ 4. The indenture shall contain an agreement on the part of the person to whom such child shall be bound, that he will cause such child to be instructed to read and write, and if a male, shall cause him to be instructed in the general rules of arithmetic, and shall contain such

other provisions for the benefit of such infant as shall be deemed proper by any of the officers or trustees of said society or association, and which shall be agreed to by such person receiving such infant.

§ 5. Should such employer fail at any time to provide suitable and proper board, lodging and medical attendance, or shall fail to perform any of the provisions of said indenture on his part, said apprentice, individually, or any person on his behalf, may bring an action against said employer to recover damages sustained by reason of such failure; and if proved to the satisfaction of the court and the court shall deem it a proper case, the court shall direct said indentures to be canceled, and may impose a judgment upon such employer not exceeding one thousand dollars and not less than one hundred dollars, and said judgment shall be collected and paid over to said society or association, which formerly had the custody of such child, to be used for the benefit of such minor in such manner as the trustees thereof shall direct.

Failure of employer to provide for child.

§ 6. This act shall take effect immediately.

CHAP. 530.

AN ACT to amend an act and the title of an act, entitled "An act to repeal chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,'" passed April twenty-one, one thousand eight hundred and seventy-four.

PASSED June 7, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of chapter two hundred and twenty-four of the laws of eighteen hundred and seventy-four, entitled "An act to repeal chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes,' so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,'" is hereby amended so as to read as follows: An act to repeal chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes," so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison, Steuben and Montgomery.

Amending Laws 1874, ch. 224.

§ 2. Chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes," passed May eighth, eighteen hundred and seventy-three, is hereby repealed so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison, Steuben and Montgomery.

Ante, vol. 8, p. 612.

§ 3. This act shall take effect immediately.

See L. 1877, ch. 164, *post*, p. 388, and L. 1876, ch. 416, *post*, p. 332.

CHAP. 542.

AN ACT to provide for the apportionment of rents, annuities, dividends and other payments.

PASSED June 7, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

**Rule of
apportion-
ment.**

SECTION 1. All rents reserved on any lease granted after the passing of this act, and all annuities, dividends and other payments of every description, made payable or becoming due at fixed periods under any instrument executed after the passing of this act, or (being a last will and testament) that shall take effect after the passing of this act, shall be apportioned, so that on the death of any person interested in any such rents, annuities, dividends or other payments as aforesaid, or in the estate or fund from or in respect of which the same shall issue or be derived, or on the determination by any other means whatever of the interest of any such person, he or she, and his or her executors, administrators or assigns shall be entitled to a proportion of such rents, annuities, dividends and other payments, according to the time which shall have elapsed from the commencement or last period of payment thereof respectively (as the case may be), including the day of the death of such person, or of the determination of his or her interest, all just allowances and deductions on account of charges on such rents, annuities, dividends and other payments being made.

**Remedies
for recover-
ing
apportion-
ments.**

§ 2. Every such person, his or her executors, administrators and assigns shall have the same remedies at law and in equity for recovering such apportioned parts of the said rents, annuities, dividends and other payments when the entire amount, of which such apportioned parts shall form part, shall become due and payable and not before, as he or she or they would have had for recovering and obtaining such entire rents, annuities, dividends and other payments, if entitled thereto; but so that the persons liable to pay rents reserved by any lease or demise, and the lands, tenements and hereditaments comprised therein, shall not be resorted to for such apportioned parts as aforesaid, but the entire rents, of which such apportioned parts form parts, shall be collected and recovered by the person or persons, who, if this act had not passed, would have been entitled to such entire rents; and such portions shall be recoverable from such person or persons by the parties entitled to the same under this act in any action or suit at law or in equity.

**When act
shall not
apply.**

§ 3 This act shall not apply to any case in which it shall be expressly stipulated that no apportionment shall be made, or to any sume made payable in policies of insurance of any description.

This act applies only to instruments executed or taking effect after its passage.
Irving v. Rankine, 18 Hun, 147.

CHAP. 545.

AN ACT to amend section sixty-seven of article two, chapter one, part two, title two of the Revised Statutes, in relation to trusts.

PASSED June 7, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixty seven of article two, chapter one, part two, title two of the Revised Statutes, is hereby amended so as to read as follows: Amending
1 R. S. 730,
1 Edm. 680.

§ 67. When the purposes for which an express trust shall have been created shall have ceased, the estate of the trustees shall also cease. And where an estate has been conveyed to trustees for the benefit of creditors, and no different limitation is contained in the instrument creating the trust, such trust shall be deemed discharged at the end of twenty-five years from the creation of the same; and the estate conveyed to trustee or trustees and not granted or conveyed by him or them shall revert to the grantor or grantors, his or their heirs or devisees, or persons claiming under them, to the same effect as though such trust had not been created. When
estate of
trustee to
cease.

20 Hun, 388.

CHAP. 555.

AN ACT to amend chapter four hundred and sixty-six of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of fire insurance companies." Fire in-
surance
com-
pan-
ies.

PASSED June 9, 1875.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twenty-third section of the said act is hereby amended so as to read as follows: Amending
Laws 1853,
ch. 466,
4 Edm. 226.

§ 23. It shall not be lawful for any fire insurance company, association, or partnership, incorporated by or organized under the laws of any other State of the United States, or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this State, unless possessed of the amount of actual capital required of similar companies formed under the provisions of this act; and any such company desiring to transact any such business, as aforesaid, by an agent or agents in this State, shall first appoint an attorney in this State on whom process of law can be served, and file in the office of the Superintendent of the Insurance Department a certified copy of the vote or resolution of the directors appointing such attorney, which appointment shall continue until another attorney be substituted; in case any such insurance company shall cease to transact business in this State, according to the laws thereof, the agents last

When for-
eign com-
pany may
take risk.

To appoint
attorney.

*Certified by the Presiding officer of the Senate, as having passed the Senate "three-fifths being present."

To file
charter
and state-
ment.

Where
capital is
impaired.

Deposit of
security.

Securities
may be
changed.

To obtain
certificate.

designated or acting as such for such corporation, shall be deemed to continue agents for such corporation for the purpose of serving process for commencing actions upon any policy or liability issued or contracted while such corporation transacted business in this State, and service of such process for the causes aforesaid upon any such agent, shall be deemed a valid personal service upon such corporation ; and also a certified copy of their charter or deed of settlement, together with a statement, under the oath of the president or vice-president, and other chief officer and secretary of the company for which he or they may act, stating the name of the company and place where located, the amount of its capital, with a detailed statement of its assets, showing the amount of cash on hand, in bank, or in the hands of agents ; the amount of real estate, and how much the same is incumbered by mortgage ; the number of shares of stock of every kind owned by the company, the par and market value of the same ; amount loaned on bond and mortgage ; the amount loaned on other security, stating the kind, and the amount loaned on each, and the estimated value of the whole amount of such securities ; any other assets or property of the company ; also stating the indebtedness of the company ; the amount of losses adjusted and unpaid, the amount incurred and in process of adjustment, the amount resisted by the company as illegal and fraudulent, and any other claims existing against the company ; also a copy of the last annual report, if any, made under any law of the State by which such company was incorporated ; and no agent shall be allowed to transact business for any company (nor shall any agent or broker be allowed to negotiate for or place any risk with any company whose capital is impaired to the extent of twenty per cent thereof, while such deficiency shall continue ; and any company incorporated by or organized under any foreign government, shall, in addition to the foregoing, deposit with the Superintendent of the Insurance Department, for the benefit and security of policy-holders residing in the United States, a sum not less than two hundred thousand dollars in stock of the United States or the State of New York, in all cases to be, or to be made to be, equal to a stock producing six per cent per annum, said stocks not to be received by said Superintendent at a rate above their par value, or above their current market value ; or in bonds and mortgages on improved unincumbered real estate in the State of New York, worth fifty per cent more than the amount loaned thereon ; or in such stocks and securities as now are or which may hereafter be receivable by the bank department as security for circulating notes. The stocks and securities so deposited may be exchanged from time to time for other securities, receivable as aforesaid, and so long as the company so depositing shall continue solvent and comply with the laws of this State, may be permitted by the said Superintendent to collect the interest or dividends on said deposit. The said deposit shall be in lieu of the investments in the name of trustees, as heretofore required, and upon its being duly made, either by the transfer of the trust funds, or otherwise, the trustees shall thereby be discharged from all liability ; and where a deposit is made of bonds and mortgages, accompanied by full abstracts of title and searches, the fees for an examination of title by counsel to be paid by the party making the deposit shall not exceed twenty dollars for each mortgage ; and the fees for an appraisal of property shall be five dollars to each appraiser, not exceeding two, besides expenses for each mortgage. Nor shall it be lawful for any agent or agents to act for any company or companies referred to in this section, directly or indirectly, in taking

risks or transacting the business of fire or inland navigation insurance in this State, without procuring from the Superintendent of the Insurance Department a certificate of authority stating that such company has complied with all the requisitions of this act which apply to such companies, and the name of the attorney appointed to act for the company. A certified copy of such certificate of authority, with statement, must be filed by the agent in the office of the clerk of every county where such company has agents, and shall be published in the paper in which the State notices are required to be inserted, four successive times after the filing of such statement, as aforesaid; and within thirty days thereafter proof of such publication, by the affidavit of the publisher of such newspaper, his foreman or clerk, shall be filed in the office of the said Superintendent. The statements and evidences of investments required by this section shall be renewed from year to year in such manner and form as may be required by said Superintendent, with an additional statement of the amount of premiums received and losses incurred in this State during the preceding year, so long as such agency continues; and the said Superintendent, on being satisfied that the capital, securities and investments remain secure, as aforesaid, shall furnish a renewal of his certificate, as aforesaid, and the agent or agents obtaining such certificate, shall file a certified copy of the same in the office of the clerk of the county in which such agency shall be established, within the month of January. But any company organized under or incorporated by any foreign government may furnish and file such annual statements and evidences in the month of January, in each year, made out for the year ending on the preceding thirtieth day of June, if accompanied, also, by an annual supplementary statement, duly verified by the attorney or general agent of the company in this State, showing the amount of risks written, premiums received, losses sustained, and taxes paid in this State for the year ending on the preceding thirty-first day of December; said supplementary statement shall also contain a description of the investments of such company in this country, and such other information as may be required by the said Superintendent. (Whenever, by the provisions of this section, it shall be unlawful for any fire insurance company, association, or partnership herein specified, to take risks or transact the business of fire insurance within this State, through agents, or otherwise, it shall be likewise unlawful for any broker or brokers, or other persons acting for persons, firms or corporations, in this State or elsewhere, to negotiate for or place risks in any such insurance company, or in any way or manner aid such persons, firms or corporations in effecting such unauthorized insurances.) Any violation of any of the provisions of this section shall subject the party violating to a penalty of five hundred dollars for each violation, and of the additional sum of one hundred dollars for each month during which any such agent shall neglect to make such publication, or to file such affidavits and statements as are herein required. Every agent of any fire insurance company shall, in all advertisements of such agency, publish the location of the company, giving the name of the city, town or village in which the company is located, and the State or government under the laws of which it is organized. The term agent, or agents, used in this section, shall include an acknowledged agent or surveyor, or any other person or persons who shall, in any manner, aid in transacting the insurance business of any insurance company not incorporated by the laws of this State (and the term broker or brokers, also used in this section, is hereby declared to

To file certificate.

Renewal certificate.

Brokers not to place risks.

Penalty.

Place of business.

include all persons and firms whose business, in whole or in part, it is to negotiate for and place risks, deliver the policies covering the same, and collect the premiums therefor). The provisions of this section shall apply to all foreign companies, partnerships, associations and individuals, whether incorporated or not.

§ 2. The twenty-fifth section of the said act is hereby amended so as to read as follows :

Penalty to
be sued
for.

§ 25. Every penalty provided for by this act (incurred outside of the limits of the city and county of New York) shall be sued for and recovered in the name of the People by the district attorney of the county in which the company or the agent or agents so violating shall be situated (or in which the act in violation was committed or suffered), and one-half of said penalty when recovered shall be paid into the treasury of said county, and the other half to the informer of such violation. Such penalties may also be sued for and recovered in the name of the People by the Attorney-General and when sued for and collected by him shall be paid into the State Treasury. (And every penalty provided for by this act when incurred within the limits of the city and county of New York shall go and be paid to the informer of such violation, who on the giving, approval and filing of the bond hereinafter mentioned, may sue for and recover such penalty in the name of the People of this State on the relation of such informer; and every such suit or action shall be deemed a private suit or action and which may be discontinued and the relator be nonsuited therein as in private actions, the said relator being liable for the costs thereof in cases where the defendant succeeds in the action; and in such cases judgment shall be entered against such relator for costs in the same manner as if the relator was the nominal plaintiff; and in all cases wherein judgment is obtained against the party prosecuted, the judgment may be canceled and discharged by the relator, or the attorney for the relator, in the same manner as if such relator was the nominal plaintiff. Any citizen of this State or body corporate created by or under the laws of this State may be an informer, and shall be competent to act and stand as relator in any action for a penalty or penalties incurred under this act within the limits of the city and county of New York, on filing in the office of the clerk of the court in which such action is to be prosecuted a bond executed by one or more sureties to the defendant in such action in the penalty of five hundred dollars, to be approved by a judge or justice of said court, conditioned to pay all costs that may be recovered in such action against such relator in case the party prosecuted succeeds in the action, the sureties in which shall be residents of the city and county of New York and freeholders, and shall acknowledge the same before an officer authorized to take proof and acknowledgment of deeds, a copy of which bond shall be served on the party prosecuted with the summons in such action.) In case of the non-payment of any of the penalties provided for in this act the party offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any court having cognizance thereof.

Any person may be
relator.

• CHAP. 557.

AN ACT in relation to the expenses of contested seats in the
Legislature of this State.

PASSED June 9, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hereafter, whenever the seat of any member of either branch of the Legislature of this State shall be contested by any person claiming the right to said seat, no expense incurred by the contestant, in prosecuting his claim to the same, shall be paid by the State, unless said contestant shall be awarded said seat.

CHAP. 564.

AN ACT to amend chapter one hundred and twenty-two of the laws of eighteen hundred and fifty-one, entitled "An act for the incorporation of building, mutual, loan and accumulating fund associations."

PASSED June 9, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The seventh section of chapter one hundred and twenty-two of the laws of eighteen hundred and fifty-one, entitled "An act for the incorporation of building, mutual, loan and accumulating fund associations," is hereby amended so as to read as follows:

§ 7. The trustees of any association formed under the provisions of this act may, from time to time, declare dividends from the earnings of the association, payable in such manner as may be provided in the articles of association ; but no dividend shall be declared except from the earnings of the association, and if the trustees of any such association shall declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, they shall be jointly and severally liable to the extent of the dividend so declared and paid, for all the debts of the association then existing or that shall be thereafter contracted while they shall respectively continue in office ; provided that if any of the trustees shall object to the declaring of such dividend or to the payment of the same, and shall, at any time before the time fixed for the payment thereof, file a certificate of his objection in writing, with the clerk of the company, and with the clerk of the county, he shall be exempt from the said liability. But no trustee who shall be present at any meeting when such dividend is declared, shall be exempt from such liability, unless he shall then and there object to the declaration or payment of such dividend, and shall also procure his objection to be noted in the book of minutes of such association. No holder of redeemed shares shall claim to be exempt from making the monthly or other stated payments provided in the articles of association upon the ground that, by reason of losses or otherwise, the association has continued longer than was originally anticipated, whereby the payments made on such shares may amount to more than

the amount originally advanced, with legal interest thereon; nor shall the imposition of fines for the non-payment of dues or fees, or other violation of the articles of association, nor shall the making of any monthly payment required by the articles of association, or of any premium for loans made to members be deemed a violation of the provisions of any statute against usury.

To make
annual
report.

§ 2. Every corporation organized under the provisions of said act, and every corporation heretofore organized under the laws of this State for purposes similar to those provided for in said act, shall annually make a full report in writing of the affairs and condition of such corporation, on the first day of January in each year, to the Superintendent of the Banking Department, in such form, and by such officers of the said corporation, as the said Superintendent may designate, which report shall be in place of any report which any such corporation may now be required to make to the Supreme Court, the Comptroller, or otherwise. Such report shall be verified by the oath or affirmation of the officers making such report; and any willful false swearing in regard to such report shall be deemed perjury, and be subject to the prosecutions and punishments prescribed by law for that offense. Every such report shall be made within twenty days after the day to which it relates, and shall be in such form, and contain such statements, returns and information, as to the affairs, business, condition, obligations and resources of such corporation as the said Superintendent may, from time to time, prescribe and require. And the said Superintendent may, if he be of opinion that it is desirable, require that a like report, either wholly or in part, as to the particulars aforesaid, be made to him at any time, by any such corporation aforesaid, within such period as he may designate.

Biennial
examina-
tion.
Amended
1878, ch. 96.
Power of
examiner.

§ 3. It shall be the duty of the said Superintendent, once in two years, either personally or by some competent person or persons, to be appointed by him, to visit and examine every corporation required by this act, to report as aforesaid. The said Superintendent and every such examiner shall have power to administer an oath to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person, for the purpose of such examination, by summons, subpoena or attachment, in the manner now authorized in respect to the attendance of persons as witnesses in the courts of record of this State; and all books and papers which it may be deemed necessary to examine by the Superintendent, or the examiner or examiners so appointed, shall be produced, and their production may be compelled in the like manner. The expense of every such examination shall be paid by the corporation examined to such amount as the Superintendent shall determine. Whenever such examination shall be made by the Superintendent personally, or by one or more of the regular clerks in his department, no charge shall be made on such examination but for necessary traveling and other actual expenses.

Expense
of exami-
nation.

Nature of
examina-
tion.

§ 4. On every such examination inquiry shall be made as to the condition and resources of the corporation generally, the mode of conducting and managing its affairs, the action of its directors or trustees, the investment of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, whether the requirements of its charter and of law have been complied with in the administration of its affairs.

When
found to
be violat-

§ 5. If it shall appear to the said Superintendent from the report of any such corporation, or from any examination made by him, or from

the report on any examination made to him, that any corporation has committed a violation of its charter or of law, or is conducting business in an unsafe or unauthorized manner, he shall by an order under his hand and seal of office, addressed to such corporation, direct the discontinuance of such illegal or unsafe practices and conformity with the requirements of its charter and of law, and with safety and security in its transactions, and whenever any corporation shall refuse or neglect to make such report as is hereinbefore required, or to comply with any such order as aforesaid; or whenever it shall appear to the said Superintendent, that it is unsafe or inexpedient for any corporation to continue to transact business, he shall communicate the facts to the Attorney-General, who shall thereupon be authorized to institute such proceeding against any such corporations as are now, or may hereafter be provided for by law in the case of insolvent corporations, or such other proceedings as the nature of the case may require.

ing charter.

Proceedings by Attorney-General.

§ 6. If any such corporation shall fail to furnish to the Superintendent of the Banking Department any report or statement required by this act, at the time so required, it shall forfeit the sum of ten dollars per day for every day such report or statement shall be so delayed or withheld, and the said Superintendent may maintain an action in his name of office to recover such penalty, and when collected, the same shall be paid into the treasury of the State and be applied to the expenses of the Bank Department.

Penalty for failure to report.

§ 7. This act shall take effect immediately.

CHAP. 567.

AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

Public instruction.

PASSED June 9, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of title one of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows:

Amending ch. 555, Laws 1864, 6 Edm. 304.

§ 4. His salary shall be five thousand dollars a year, payable quarterly, by the Treasurer, on the warrant of the Comptroller.

Salary of superintendent.

§ 2. Section five of title one of said act is hereby amended so as to read as follows:

§ 5. He may appoint as many clerks as he may deem necessary, but the compensation of such clerks shall not exceed in the aggregate the sum of nine thousand dollars in any one year, and shall be payable monthly by the Treasurer, on the warrant of the Comptroller, and the certificate of the Superintendent.

May appoint clerks, vol. 6, p. 305.

§ 3. Section seven of title one is hereby amended so as to read as follows:

Id.

§ 7. The Superintendent shall be ex-officio a trustee of Cornell University and of the New York State Asylum for Idiots, and a Regent of the University of the State of New York. He shall also have general supervision over the State normal schools at Brockport, Buffalo,

Ex-officio officer.

Cortland, Fredonia, Geneseo, Oswego and Potsdam, and over any other State normal schools which may hereafter be established; and he shall provide for the education of the Indian children of the State, as required by chapter seventy-one of the laws of eighteen hundred and fifty-six.

Vol. 6, p.
306.

§ 4. Section nine of title one of said act is hereby amended so as to read as follows:

Power as
to indigent
pupils.

§ 9. All deaf and dumb persons resident in this State, between the ages of twelve and twenty-five years, whose parent or parents, or, if an orphan, whose nearest friend shall have been resident in this State for three years immediately preceding the application, shall be eligible to appointment as State pupils, in one of the deaf and dumb institutions of this State, authorized by law to receive such pupils; and all blind persons of suitable age and similar qualifications, shall be eligible to appointment to the institutions for the blind in the city of New York, or in the village of Batavia, as follows: All such as are residents of the counties of New York, Kings, Queens, Suffolk and Richmond, shall be sent to the institution for the blind in the city of New York; those who reside in other counties of the State, shall be sent to the institution for the blind in the village of Batavia. All such appointments, with the exception of those to the institution for the blind in the village of Batavia, shall be made by the Superintendent of Public Instruction upon application, and in those cases in which, in his opinion, the parents or guardians of the applicants are able to bear a portion of the expense, he may impose conditions whereby some proportionate share of the expense of educating and clothing such pupils shall be paid by their parents, guardians or friends, in such manner and at such times as the Superintendent shall designate, which conditions he may modify from time to time, if he shall deem it expedient to do so.

§ 5. Section fifteen of title one of said act is hereby amended so as to read as follows:

Certifi-
cates to
teachers.

§ 15. He may grant, under his hand and seal of office, a certificate of qualification to teach, and may revoke the same. While unrevoked, such certificate shall be conclusive evidence that the person to whom it was granted is qualified by moral character, learning and ability, to teach any common school in the State. Such certificate may be granted to him only upon examination. He shall determine the manner in which such examination shall be conducted, and may designate proper persons to conduct the same, and report the result to him. He may also appoint times and places for holding such examinations, at least once in each year, and cause due notice thereof to be given. He may also issue temporary licenses to teach, limited to any school commissioner district or school district, and for a period not exceeding six months, whenever, in his judgment, it may be necessary or expedient for him to do so.

Vol. 6,
p. 307.

License to
teach.

§ 6. Section eight of title two of said act is hereby amended so as to read as follows:

Salary of
school
commissioner.

§ 8. Whenever a majority of the supervisors from all the towns composing a school commissioner district shall adopt a resolution to increase the salary of their school commissioner, beyond the eight hundred dollars payable to him from the United States deposit fund, it shall be the duty of the board of supervisors of the county to give effect to such resolution, and they shall assess the increase stated therein upon the towns composing such commissioner district, rata-

Vol. 6,
p. 309.

ble, according to the corrected valuations of the real and personal estate of such towns.

§ 7. Subdivision one of section thirteen of title two of said act is hereby amended so as to read as follows:

Vol. 6,
p. 309.

1. From time to time to inquire and ascertain whether the boundaries of the school districts within his district are definitely and plainly described in the records of the proper town clerks; and in case the record of the boundaries of any school district shall be found defective or indefinite, or if the same shall be in dispute, then to cause the same to be amended, or an amended record of the boundaries to be made. All necessary expenses incurred in establishing such amended records, shall be a charge upon the district or districts affected, to be audited and allowed by the trustee or trustees thereof, upon the certificate of the school commissioner.

To define
boundaries of
districts.

§ 8. Section three of title three of said act is hereby amended so as to read as follows:

Vol. 6,
p. 311.

§ 3. The moneys so raised shall be paid into the State Treasury, and the Treasurer may transfer them from one depository to another, by his draft, countersigned and entered by the Superintendent of Public Instruction. On the first working day of each month the Treasurer shall make to the Superintendent of Public Instruction a written statement of the condition of the free school fund, showing the amount received and paid during the preceding month, and the balance remaining on hand. The bank in which such moneys are deposited shall furnish the Superintendent of Public Instruction a book, in which the officers of such bank shall make entries of all sums deposited therein by the Treasurer, from time to time, to the credit of said free school fund. No such money shall be paid out of the treasury except upon such warrant of the Superintendent, countersigned by the Comptroller, referring to the law under which it is drawn. The Superintendent shall countersign and enter all checks drawn by the Treasurer in payment of his warrants, and all receipts of the Treasurer for such money paid to the Treasurer, and no such receipt shall be evidence of payment unless it be so countersigned.

State tax
should be
paid into
State
treasury.

§ 9. Section six of title three of said act is hereby amended so as to read as follows:

Vol. 6,
p. 312.

§ 6. He shall apportion and set apart from the income of the United States deposit fund so appropriated, the amounts required to pay the annual salaries of the school commissioners elected or elective under this act, to be drawn out of the treasury and paid to the several commissioners, as hereinbefore provided; and he shall also apportion to each of the cities of the State, which, under a special act, employs a superintendent of common schools, or a clerk of the board of education, who does the duty of supervision, out of the income of the said fund, and if insufficient the deficiency out of the free school fund, so appropriated, the sum of eight hundred dollars, and in case any city is entitled to more than one Member of Assembly according to the unit of representation adopted by the Legislature, five hundred dollars for each additional Member of Assembly, to be expended according to law, for the support of the common schools of the city. He shall then set apart, from the income of the United States deposit fund, for and as library moneys, such sum as the Legislature shall appropriate for that purpose. He shall also set apart from the free school fund a sum not exceeding four thousand dollars for a contingent fund. He shall then set apart and apportion, for and on account of the Indian schools under his supervision, a sum which will be equitably equiva-

Apportionments for
pay of
commissioners.

For city
superintendent.

Amended
1870, ch.
574, post, p.
321.

Library
moneys.

Contingent fund

Indian
schools.

lent to their proportion of the State school money, upon the basis of distribution established by this act; such sum to be wholly payable out of the proceeds of the State tax for the support of common schools. After deducting the said amounts, he shall divide the remainder of the State school moneys into two parts, one to be one-third and the other to be two-thirds of such remainder, and shall apportion them as hereinafter specified.

Vol. 6,
p. 315.

Moneys
payable.

§ 10. Section fourteen of title three of said act is hereby amended so as to read as follows:

§ 14. The moneys so annually apportioned by the Superintendent shall be payable on the first day of April next after the apportionment, to the treasurers of the several counties and the chamberlain of the city of New York, respectively; and the said treasurers and the chamberlain shall apply for and receive the same as soon as payable.

Vol. 6,
p. 319.

Supervisors to give
bonds.

§ 11. Section thirty-one of title three of said act is hereby amended so as to read as follows:

§ 31. Immediately on receiving the commissioners' certificate of apportionment, the county treasurer shall require of each supervisor, and each supervisor shall give to the treasurer, in behalf of the town, his bond, with two or more sufficient sureties, approved by the treasurer, in the penalty of at least double the amount of the school moneys set apart or apportioned to the town, and of any such moneys unaccounted for by his predecessor, conditioned for the faithful disbursement, safe-keeping and accounting for such moneys, and of all other school moneys, that may come into his hands from any other source. If the condition shall be broken, the county treasurer shall sue the bond in his own name, in behalf of the town, and the money recovered shall be paid over to the successor of the supervisor in default, such successor having first given security as aforesaid. Whenever the office of a supervisor shall become vacant, by reason of the expiration of his term of service or otherwise, the county treasurer shall require the person elected or appointed to fill such vacancy to execute a bond, with two or more sureties, to be approved by the treasurer, in the penalty of at least double the sum of the school moneys remaining in the hands of the old supervisor, when the office became vacant, conditioned for the faithful disbursement, safe-keeping and accounting for such moneys. But the execution of this bond shall not relieve the supervisor from the duty of executing the bond first above mentioned.

Vol. 6,
p. 321.

To pay
wages of
teacher.

§ 12. Subdivision one of section six of title four of said act is hereby amended so as to read as follows:

1. To disburse the school moneys in his hands, applicable to the payment of teachers' wages, upon and only upon the written orders of a sole trustee, or a majority of the trustees, in favor of qualified teachers, or upon the order of the trustee of a separate neighborhood in favor of any teacher of a school in an adjoining State, recognized by him and patronized by the inhabitants of such neighborhood. Such teacher shall be deemed a qualified teacher.

Vol. 6,
p. 321.

Library
moneys.

§ 13. Subdivision two of section six of title four of said act is hereby amended so as to read as follows:

2. To disburse the library moneys upon, and only upon, the written orders of a sole trustee, or of a majority of the trustees.

Vol. 6,
p. 320.

§ 14. Section nine of title six of said act is hereby amended so as to read as follows:

Supervisors to sell
property

§ 9. When a district is parted into portions, which are annexed to other districts, its property shall be sold by the supervisor of the town,

within which its school-house is situated, at public auction, after at least five days' notice, by notices posted in three or more public places of the town in which the school-house is, one of which shall be posted in the district so dissolved. The supervisor, after deducting the expenses of the sale, shall apply its proceeds to the payment of the debts of the district, and apportion the residue, if any, among the owners or possessors of taxable property in the district, in the ratio of their several assessments on the last corrected assessment roll or rolls of the town or towns, and pay it over accordingly.

of dis-
solved
district.

§ 15. Section six of title seven of said act is hereby amended so as to read as follows:

Vol. 6,
p. 326.

§ 6. A special district meeting shall be held whenever called by the trustees. The notice thereof shall state the purpose for which it is called, and no business shall be transacted at such special meeting, except that which is specified in the notice; and the district clerk, or if the office be vacant, or he be sick or absent, or shall refuse to act, a trustee or some taxable inhabitant, by order of the trustees, shall serve the notice upon each inhabitant of the district qualified to vote at district meetings, at least five days before the day of the meeting, in the manner prescribed in the second section of this title. But the inhabitants of any district may, at any annual meeting, adopt a resolution prescribing some other mode of giving notice of special meetings, which resolution and the mode prescribed thereby shall continue in force until rescinded or modified at some subsequent annual meeting.

Special
meetings.

§ 16. Section nine of title seven of this act is hereby amended so as to read as follows:

Vol. 6,
p. 327.

§ 9. An annual meeting of each school district shall be held on the second Tuesday of October in each year, and unless the hour and the place therefor shall have been fixed by the vote of a previous district meeting, the same shall be held in the school-house at seven o'clock in the evening. If a district possesses more than one school-house, it shall be held in the one usually employed for that purpose, unless the trustees designate another. If the district possesses no school-house, or if the school-house shall be no longer accessible, then the annual meeting shall be held at such place as the trustee, or if there be no trustee, the clerk shall designate in the notice.

Annual
district
meeting.

§ 17. Subdivision seven of section sixteen of title seven of said act is hereby amended so as to read as follows:

Vol. 6,
p. 329.

7. To vote a tax upon the taxable property of the district to purchase, lease or improve such site or sites, and to hire, build or purchase such school-houses, and to keep in repair and furnish the same with necessary fuel and appendages.

Tax for
school-
houses.

§ 18. Section nineteen of title seven of said act is hereby amended so as to read as follows:

Vol. 6,
p. 329.

§ 19. Whenever the majority of all the inhabitants of any school district entitled to vote, to be ascertained by taking and recording the ayes and noes of such inhabitants attending at any annual, special or adjourned school district meeting, legally called or held, shall determine that the sum proposed and provided for in the next preceding section shall be raised by installments, it shall be the duty of the trustees of such district, and they are hereby authorized to cause the same to be raised, levied and collected in equal installments in the same manner and with the like authority that other school taxes are raised, levied and collected, and to make out their tax list and warrant for the collection of such installments, with interest thereon as they become payable according to the vote of the said inhabitants; but the payment

Tax by
install-
ments.

lent to their proportion of the State school money, upon the basis of distribution established by this act; such sum to be wholly payable out of the proceeds of the State tax for the support of common schools. After deducting the said amounts, he shall divide the remainder of the State school moneys into two parts, one to be one-third and the other to be two-thirds of such remainder, and shall apportion them as hereinafter specified.

Vol. 6,
p. 315.

§ 10. Section fourteen of title three of said act is hereby amended so as to read as follows:

Moneys
payable.

§ 14. The moneys so annually apportioned by the Superintendent shall be payable on the first day of April next after the apportionment, to the treasurers of the several counties and the chamberlain of the city of New York, respectively; and the said treasurers and the chamberlain shall apply for and receive the same as soon as payable.

Vol. 6,
p. 319.

§ 11. Section thirty-one of title three of said act is hereby amended so as to read as follows:

Supervis-
ors to give
bonds.

§ 31. Immediately on receiving the commissioners' certificate of apportionment, the county treasurer shall require of each supervisor, and each supervisor shall give to the treasurer, in behalf of the town, his bond, with two or more sufficient sureties, approved by the treasurer, in the penalty of at least double the amount of the school moneys set apart or apportioned to the town, and of any such moneys unaccounted for by his predecessor, conditioned for the faithful disbursement, safe-keeping and accounting for such moneys, and of all other school moneys, that may come into his hands from any other source. If the condition shall be broken, the county treasurer shall sue the bond in his own name, in behalf of the town, and the money recovered shall be paid over to the successor of the supervisor in default, such successor having first given security as aforesaid. Whenever the office of a supervisor shall become vacant, by reason of the expiration of his term of service or otherwise, the county treasurer shall require the person elected or appointed to fill such vacancy to execute a bond, with two or more sureties, to be approved by the treasurer, in the penalty of at least double the sum of the school moneys remaining in the hands of the old supervisor, when the office became vacant, conditioned for the faithful disbursement, safe-keeping and accounting for such moneys. But the execution of this bond shall not relieve the supervisor from the duty of executing the bond first above mentioned.

Vol. 6,
p. 321.

§ 12. Subdivision one of section six of title four of said act is hereby amended so as to read as follows:

To pay
wages of
teacher.

1. To disburse the school moneys in his hands, applicable to the payment of teachers' wages, upon and only upon the written orders of a sole trustee, or a majority of the trustees, in favor of qualified teachers, or upon the order of the trustee of a separate neighborhood in favor of any teacher of a school in an adjoining State, recognized by him and patronized by the inhabitants of such neighborhood. Such teacher shall be deemed a qualified teacher.

Vol. 6,
p. 321.

§ 13. Subdivision two of section six of title four of said act is hereby amended so as to read as follows:

Library
moneys.

2. To disburse the library moneys upon, and only upon, the written orders of a sole trustee, or of a majority of the trustees.

Vol. 6,
p. 322.

§ 14. Section nine of title six of said act is hereby amended so as to read as follows:

Supervis-
ors to sell
property

§ 9. When a district is parted into portions, which are annexed to other districts, its property shall be sold by the supervisor of the town,

within which its school-house is situated, at public auction, after at least five days' notice, by notices posted in three or more public places of the town in which the school-house is, one of which shall be posted in the district so dissolved. The supervisor, after deducting the expenses of the sale, shall apply its proceeds to the payment of the debts of the district, and apportion the residue, if any, among the owners or possessors of taxable property in the district, in the ratio of their several assessments on the last corrected assessment roll or rolls of the town or towns, and pay it over accordingly.

of dissolved district.

§ 15. Section six of title seven of said act is hereby amended so as to read as follows:

Vol. 6, p. 336.

§ 6. A special district meeting shall be held whenever called by the trustees. The notice thereof shall state the purpose for which it is called, and no business shall be transacted at such special meeting, except that which is specified in the notice; and the district clerk, or if the office be vacant, or he be sick or absent, or shall refuse to act, a trustee or some taxable inhabitant, by order of the trustees, shall serve the notice upon each inhabitant of the district qualified to vote at district meetings, at least five days before the day of the meeting, in the manner prescribed in the second section of this title. But the inhabitants of any district may, at any annual meeting, adopt a resolution prescribing some other mode of giving notice of special meetings, which resolution and the mode prescribed thereby shall continue in force until rescinded or modified at some subsequent annual meeting.

Special meetings.

§ 16. Section nine of title seven of this act is hereby amended so as to read as follows:

Vol. 6, p. 337.

§ 9. An annual meeting of each school district shall be held on the second Tuesday of October in each year, and unless the hour and the place therefor shall have been fixed by the vote of a previous district meeting, the same shall be held in the school-house at seven o'clock in the evening. If a district possesses more than one school-house, it shall be held in the one usually employed for that purpose, unless the trustees designate another. If the district possesses no school-house, or if the school-house shall be no longer accessible, then the annual meeting shall be held at such place as the trustee, or if there be no trustee, the clerk shall designate in the notice.

Annual district meeting.

§ 17. Subdivision seven of section sixteen of title seven of said act is hereby amended so as to read as follows:

Vol. 6, p. 329.

7. To vote a tax upon the taxable property of the district to purchase, lease or improve such site or sites, and to hire, build or purchase such school-houses, and to keep in repair and furnish the same with necessary fuel and appendages.

Tax for school-houses.

§ 18. Section nineteen of title seven of said act is hereby amended so as to read as follows:

Vol. 6, p. 329.

§ 19. Whenever the majority of all the inhabitants of any school district entitled to vote, to be ascertained by taking and recording the ayes and noes of such inhabitants attending at any annual, special or adjourned school district meeting, legally called or held, shall determine that the sum proposed and provided for in the next preceding section shall be raised by installments, it shall be the duty of the trustees of such district, and they are hereby authorized to cause the same to be raised, levied and collected in equal installments in the same manner and with the like authority that other school taxes are raised, levied and collected, and to make out their tax list and warrant for the collection of such installments, with interest thereon as they become payable according to the vote of the said inhabitants; but the payment

Tax by installments.

or collection of the last installment shall not be extended beyond ten years from the time such vote was taken ; and no vote to levy any such tax shall be reconsidered except at an adjourned, general or special meeting, to be held within thirty days thereafter, and the same majority shall be required for reconsideration that was had to impose such tax. For the purpose of giving effect to these provisions, the trustees are hereby authorized, whenever a tax shall have been voted to be collected in installments for the purpose of building a new school-house, to borrow so much of the sum voted as may be necessary, at a rate of interest not exceeding seven per cent, and to issue bonds or other evidences of indebtedness therefor, which shall be a charge upon the district, and be paid at maturity, and which shall not be sold below par ; due notice of the sale of such bonds shall be given at least ten days prior thereto, of time and place of such sale.

Vol. 6,
p. 337.

§ 19. Section fifty of title seven of said act is hereby amended so as to read as follows :

Repairs of
school-
house, etc.

§ 50. The trustees may expend, in necessary and proper repairs of each school-house under their charge, a sum not exceeding twenty dollars in any one year ; and they may also expend a sum not exceeding fifty dollars in the erection of necessary out-buildings, where the district is wholly unprovided with such buildings, upon a vote of a district meeting. They may also make any repairs, and abate any nuisances, pursuant to the direction of the school commissioner, as hereinbefore provided ; and provide fuel, pails, brooms and other implements necessary to keep the school-house or houses clean and make them reasonably comfortable for use, and not provided for by a vote of the district ; and may also provide for building fires and cleaning the school-room by arrangement by the teacher, or otherwise. They shall provide the bound blank-books for the entering of their accounts and the keeping of the school lists, the records of the district, and the proceedings of district and trustee meetings. Whenever it shall be necessary for the due accommodation of the children of the district they may hire temporarily any room or rooms for the keeping of schools therein ; but the trustees shall have no power to purchase maps, globes, or other school apparatus, unless instructed to do so by the vote of a district meeting. Any expenditure made, or liability incurred, in pursuance of this section, shall be a charge upon the district.

Vol. 6,
p. 340.

§ 20. Section sixty-six of title seven of said act is hereby amended so as to read as follows :

Taxes, how
apportioned.

§ 66. School district taxes shall be apportioned by the trustees upon all real estate within the boundaries of the district which shall not be by law exempt from taxation, except as hereinafter provided, and such property shall be assessed to the person or persons or corporation owning or possessing the same at the time such tax list shall be made out, but land lying in one body and occupied by the same person, either as owner or agent for the same principal, or as tenant under the same landlord, shall, though situated partly in two or more school districts, be taxable in that one of them in which such occupant resides. This rule shall not apply to land owned by non-residents of the district, and which shall not be occupied by an agent, servant or tenant residing in the district. Such unoccupied real estate shall be assessed as non-resident, and a description thereof shall be entered in the tax list. The trustees shall also apportion district taxes upon all persons residing in the district, and upon all corporations liable to taxation therein, for the personal estate owned by them and liable to taxation. They shall

also apportion the same upon non-resident stockholders in banks or banking associations situated in their districts for the amount of stock owned by them therein, and upon individual bankers doing business in their district in accordance with the provisions of chapter seven hundred and sixty-one of the laws of eighteen hundred and sixty-six.

§ 21. Section sixty-nine of title seven of said act is hereby amended so as to read as follows: Vol. 6
p. 341.

§ 69. When a district embraces parts of more than one town, it shall be the duty of the supervisors of such towns so in part embraced, upon receiving a written notice from the trustee or trustees of such district, or from three or more persons liable to pay taxes upon real estate therein, to meet, at a time and place to be named in such notice, which time shall not be less than five nor more than ten days from the service thereof, and a place within the bounds of the towns so in part embraced, and proceed to inquire and determine whether the valuation of real property upon the several assessment rolls of said towns are substantially just as compared with each other, so far as said districts are concerned, and if ascertained not to be so, they shall determine the relative proportion of taxes that ought to be assessed upon the real property of the parts of such district lying in different towns, and the trustees of such district shall thereupon assess the proportion of any tax thereafter to be raised, according to the determination of such supervisors, until new assessment rolls of the towns shall be perfected and filed, using the assessment rolls of the several towns to distribute the said proportion among the persons liable to be assessed for the same. In cases when such supervisors shall be unable to agree, they shall summon a supervisor from some adjoining town, who shall unite in such inquiring, and the finding of a majority shall be the determination of such meeting.

Taxes in districts embracing parts of several towns.

§ 22. Section seventy-five of title seven of said act is hereby amended so as to read as follows: Vol. 6
p. 342.

§ 75. If any tax on the real estate of a non-resident, mentioned in the tax-list delivered to the collector, or the taxes upon non-resident stockholders in banking associations organized under the laws of Congress, shall be unpaid at the time he is required by law to return his warrant, he shall deliver to the trustees of such district an account of the taxes so remaining due, containing a description of the lots and pieces of land upon which such taxes were imposed, as the same were stated in his tax-list, together with the amount of the tax assessed on each, and, upon making oath before any justice of the peace, or judge of any court of record, that the taxes mentioned in any such account remain unpaid, and that after diligent efforts he has been unable to collect the same, he shall be credited by said trustees with the amount thereof.

Collector to return non-resident tax when uncollectible.

§ 23. Section seventy-eight of title seven of said act is hereby amended so as to read as follows: Vol. 6
p. 343.

§ 78. Such account, affidavit and certificate shall be laid by the county treasurer before the board of supervisors of the county who shall cause the amount of such unpaid taxes, with seven per cent of the amount in addition thereto, to be levied upon the lands of non-residents on which the same were imposed; and if imposed upon the lands of any incorporated company, then upon such company; and when collected, the same shall be returned to the county treasurer to reimburse the amount so advanced, with the expenses of collection; and if imposed upon the stock of a non-resident stockholder in a banking association organized under the laws of Con-

County treasurer to report to supervisors.

gress, then, the same, with seven per cent of the amount in addition thereto, shall be a lien upon any dividends thereafter declared upon such stock, and upon notice by the board of supervisors to the president and directors of such bank, of such charge upon such stock, the president and directors shall thereafter withhold the amount so stated from any future dividends upon such stock, and shall pay the same to the collector of the town duly authorized to receive the same.

**Vol. 6,
p. 344.** § 24. Section eighty-three of title seven of said act is hereby amended so as to read as follows :

**Bond of
collector.** § 83. Within such time, not less than ten days, as the trustees shall allow him for the purpose, the collector, before receiving the first warrant for the collection of money, shall execute a bond to the trustees, with one or more sureties, to be approved by a majority of the trustees, in such amount as the district meeting shall have fixed, or if such meeting shall not have fixed the amount, then in such amount as the trustees shall deem reasonable, conditioned for the due and faithful execution of the duties of his office.

**Vol. 6,
p. 344.** § 25. Section eighty-six of title seven of said act is hereby amended so as to read as follows :

**Renewal
of warrant.** § 86. If the sum or sums of money, payable by any person named in such tax list or rate bill, shall not be paid by him or collected by such warrant within the time therein limited, it shall and may be lawful for the trustees to renew such warrant in respect to such delinquent person ; or in case such person shall not reside within their district at the time of making out a tax list, or shall not reside therein at the expiration of such warrant, or in case the property assessed be real estate belonging in an incorporated company, and no goods or chattels can be found whereon to levy the tax, the trustees may sue for and recover the same in their name of office.

**Vol. 6,
p. 345.** § 26. Section one of title eight of said act is hereby amended so as to read as follows :

**Tax for
libraries.** § 1. The taxable inhabitants of each school district in the State shall have power, when lawfully assembled in any district meeting, to levy a tax on the district, not exceeding in any one year the sum of fifty dollars for the purchase of such books as they shall direct for the district library, and such further sum as they may deem necessary for the purchase of a book-case. All books and cases which may have been or shall be purchased with moneys raised by such taxes, or with moneys apportioned to the district for library purposes, and all books which have been given to and accepted by the trustees for the library, shall compose the library of the district.

**Vol. 6,
p. 346.** § 27. Section two of title eight of said act is hereby amended so as to read as follows :

**Appropriation for
libraries.** § 2. The sum of fifty thousand dollars, directed to be distributed to the several school districts of this State by the fourth section of chapter two hundred and thirty-seven of the laws of eighteen hundred and thirty-eight, shall continue to be applied to the purchase of books for the district libraries.

§ 28. This act shall take effect immediately.

CHAP. 570.

AN ACT to amend section six of title four of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED June 9, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of title four of chapter two hundred and ninety-one of the laws of one thousand eight hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

Amending
ch. 591,
Laws 1870,
7 Edm. 681.

§ 6. In addition to the amount raised by the trustees for "ordinary expenditures," the board of trustees shall have power, in any one year, in addition to the poll tax, to raise by tax such sum as they may deem necessary, not exceeding in any one year the amount of one per cent on the assessed valuation of such village, to be denominated a highway tax, to work and improve the roads, avenues, streets, lanes and cross-walks of said village, on all persons and incorporated companies owning property and estate, real and personal, in said village, to be assessed and collected as all other taxes are by the provisions of this act. The money so raised, with the proceeds of the poll tax, shall be devoted to the purposes expressed in this section, and kept apart as a separate and distinct fund by the treasurer; and all villages incorporated under this act shall be exempt from all costs, charges, taxes or assessments for the grading or working any street, road or avenue lying outside the limits of such incorporation.

Tax for
highways.

Amended by ch. 422, L. 1880, *post*, p. 1011.

CHAP. 571.

AN ACT to authorize the confinement of convicts in the county penitentiaries of this State.

PASSED June 9, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any person shall be convicted of an offense punishable with imprisonment in the State prison, in either of the judicial districts of the State having a county penitentiary within said judicial district, and such person so convicted shall be sentenced to imprisonment for a term not exceeding three years, the court before which such conviction shall be had may, in its discretion, sentence the prisoner so convicted, to be imprisoned in the county penitentiary situated within that judicial district, instead of a State prison, and every person so sentenced shall be received into the said county penitentiary, and shall be kept and employed therein, in the manner prescribed by law, and shall be subject to the rules and discipline of said county penitentiary.

Convicts
for less
than three
years may
be sen-
tenced to
county
peniten-
tiary.

§ 2. It shall be the duty of the sheriff of any county within the said judicial district in which any person shall be convicted and sentenced,

Duty of
sheriff.

as in the first section is provided, to convey such person to the county penitentiary situated in such judicial district, and deliver such person to the superintendent thereof, for which service such sheriff shall be paid by the State Treasurer such fees as are allowed by law for conveying convicts to the State prison.

Superintendents of penitentiaries to report.

Comptroller to audit and allow cost of maintenance.

Laws applicable.

§ 3. The several superintendents of the said county penitentiaries* are hereby required to make a return under oath on the thirtieth day of September of each year to the Comptroller, in which they shall fully set forth the name of each convict committed to their respective penitentiaries under or by virtue of this act, in what court convicted, before what presiding justice or judge, the offense for which such conviction is had, the date of such conviction, and length of sentence, and date of the reception of such convict at said penitentiary. The Comptroller shall thereupon audit and allow such penitentiary, for the maintenance of such convicts, at a rate not exceeding one dollar and fifty cents per week for all the convicts imprisoned therein under and by virtue of this act, during the year preceding the said thirtieth day of September, and shall draw his warrant upon the Treasurer of the State in favor of the superintendent of said county penitentiary for the amount so audited and allowed, payable out of any money in the treasury not otherwise appropriated.

§ 4. All laws applicable to persons convicted and imprisoned in State prisons, and not in conflict herewith, shall be applicable to persons convicted and imprisoned in county penitentiaries under this act.

§ 5. This act shall take effect immediately.

CHAP. 572.

AN ACT in relation to taxes on lands sold by the State, and to amend the Revised Statutes in relation thereto.

PASSED June 9, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Lands on which State has lien not to be sold at tax sale.

SECTION 1. Whenever a sale of lands for taxes shall be held by the Comptroller, in pursuance of law, it shall be the duty of said Comptroller to withdraw from such sale, all lots, pieces or parcels of land against which the People of the State of New York then hold a bond or lien for any part of the purchase-money thereof, or unpaid interest thereon, and to charge the amount of taxes, interest and expenses for which said lots, pieces or parcels were then liable to sale, as shown by the Comptroller's book of sales, against each of such lots, pieces or parcels of land, in the books in his office in which the accounts of school fund and other bonded lands are kept, and to furnish the State Treasurer with a statement of such amounts; and it shall be the duty of such State Treasurer, on the receipt of such statement, to charge the amounts thereon against the respective lots, pieces or parcels of land on which such amounts are due, on the duplicate bond books which are kept in his office.

How lien discharged.

§ 2. The holder of the certificate or contract of purchase of any lot, piece or parcel of land, against which such charges or amounts have been entered, or any other person, may relieve such lands from liability

*So in the original.

in consequence of such charge, by paying to the State Treasurer, at any time within two years after the last day of the sale from which such lands were withdrawn, the amount of such charges, with interest thereon at the rate of ten per cent per annum.

§ 3. In case the payment provided for in section two of this act, shall not be made, it shall be the duty of the Comptroller, at the expiration of two years from the last day of the sale from which such lands were withdrawn, to state an account of the indebtedness against each of such lots, pieces or parcels of land on account of the amount charged against such premises in pursuance of the first section of this act, with the addition of thirty-seven and one-half per cent thereto; and also the amount of principal and interest due on the bond or lien thereon, to the Commissioners of the Land Office, who may, thereupon, in case default shall be made in the payment of such bond, direct the Comptroller to put the same in suit, or shall direct the State Engineer and Surveyor to again sell the lands against which such indebtedness remains; and, in case of such sale, all previous payments made on account of such land shall be forfeited to the People of the State. But no conveyance of such premises shall be made to any purchaser until all the taxes and expenses aforesaid, charged against the same on such bond book, are paid into the State Treasury.

In case
payment
shall not
be made.

§ 4. Section sixty of article three of title five of chapter nine of the first part of the fifth edition of the Revised Statutes, is hereby amended to read as follows:

Amending
1 R. S. 205,
§ 47,
1 Edm. 205.

§ 60. Whenever the State Engineer and Surveyor shall resell any lot of land bonded to the State, he shall include in the amount for which such lot is offered for sale, the sums due at the time of such sale for principal and interest on the purchase-moneys thereof, the amounts due on the books in the Comptroller's office for taxes, and the interest and charges thereon, and the costs of such sale; and in case the total amount of such charges shall not be bid therefor, he shall purchase the same for the State, at the amount so due.

§ 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 6. This act shall take effect immediately.

NOTE. — Section four, in fact, amends § 47 of 1 R. S. 205.

CHAP. 573.

AN ACT to amend an act entitled "An act to regulate the size of apple, pear and potato barrels," passed May twelfth, one thousand eight hundred and sixty-two.

Barrels.

PASSED June 9, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one, of chapter one hundred and seventy-eight, of the laws of eighteen hundred and sixty-two, entitled "An act to regulate the size of apple, pear and potato barrels," is hereby amended so as to read as follows:

Amending
ch. 178,
Laws 1862,
§ 8 Edm. 671.

§ 1. A barrel of apples, quinces, pears or potatoes shall represent a quantity equal to one hundred quarts of grain or dry measure, and all persons buying or selling those articles in this State, by the barrel,

Barrel of
apples,
quinces,

pears or
potatoes.

Penalty
for making
or using
barrels of
less size.

Justice of
the peace
to have
jurisdiction.

shall be understood as referring to the quantity specified in this act. And any person or persons in this State who shall make, or cause to be made, barrels holding less than the quantity herein specified, knowing, or having reason to believe, that the same are to be used for the sale of apples, quinces, pears or potatoes; or who shall use barrels hereafter made, for the sale of those articles, of a size less than the size expressed in this act, shall be subject to a fine of five dollars for each and every offense, to be sued for and recovered by any person aggrieved thereby for the use of the poor of the town or county, as the case may be.

§ 2. In any action arising for violations of the provisions of this act, any justice of the peace in the county where the violation of this act shall have been committed, shall have jurisdiction to try and determine the same.

§ 3. This act shall take effect on the first day of January, one thousand eight hundred and seventy-six.

CHAP. 574.

Insane.

AN ACT to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylum for their treatment and safe-keeping, and the duties of the State commissioner in lunacy," passed May twelfth, eighteen hundred and seventy-four.

PASSED June 9, 1875 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 446,
Laws 1874,
§ Edm. 324.

SECTION 1. Section eighteen of article one of title first of an act entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylum for their treatment and safe-keeping, and the duties of the State commissioner in lunacy," passed May twelfth, eighteen hundred and seventy-four, is hereby amended so as to read as follows :

Powers of
courts not
abridged.

§ 18. None of the foregoing provisions shall be deemed to restrain or abridge the power and authority of the Supreme Court, the Superior Court and the Court of Common Pleas of the city and county of New York, or the superior court of the city of Buffalo or the city court of Brooklyn or any county courts, concerning the safe-keeping of any lunatics or the charge of their persons or estates.

§ 2. Section twenty-two of article second of said title is hereby amended so as to read as follows :

Cost of
commis-
sion.

§ 22. The costs of any commission of lunacy appointed pursuant to the provisions of this article shall be a charge upon the county in which the same shall have been executed; and the certificate of the court by which such commission shall have been appointed, shall constitute a legal voucher thereof in the hands of the county treasurer. Provided, nevertheless, that the costs of all commissions appointed by the Governor shall be defrayed from the fund appropriated for the continued expenses of the executive department.

§ 3. Section twenty-five of article second of said title is hereby amended so as to read as follows:

§ 25. The penitentiary from which convict (if under sentence for a misdemeanor) shall have been transferred, shall be liable for the expenses of his care and maintenance during the time he shall remain in said asylum, provided that he is removed therefrom before the expiration of his sentence. If he shall continue insane after the expiration of the time for which he was sentenced, then the county from which he was sent to said penitentiary shall pay his expenses, as hereinbefore provided in section twenty-two of this act.

Expenses of care and maintenance.

§ 4. Section thirty-one of article second of said title is hereby amended so as to read as follows:

§ 31. Whenever any person accused of the crime of arson, murder or attempted murder, or highway robbery, shall have been acquitted upon trial upon the ground of insanity, the jury shall bring in a special verdict to that effect and so state it in their finding; and the court before whom such trial is had shall order such person to be committed to some State lunatic asylum, there to remain for observation and care until such time as, in the judgment of a Justice of the Supreme Court, founded upon satisfactory evidence, it is safe, legal and right to discharge him.

Special verdict.

§ 5. Section thirty-three of article second of said title is hereby amended so as to read as follows:

§ 33. Whenever any insane person in confinement under indictment for arson, murder, or attempt at murder, or highway robbery, or who has been acquitted thereof on the ground of insanity, and has been committed to some State lunatic asylum, pursuant to the provisions of the preceding sections, shall be restored to his right mind, it shall be the duty of the superintendent of such asylum to give notice thereof to the State commissioner in lunacy, who shall thereupon inquire into the truth of such fact, and if the same shall be proved to his satisfaction, he shall so certify it under his official hand and seal to a Justice of the Supreme Court of the district in which such asylum is situated, who shall thereupon, and upon such other facts as may be proven before him, determine whether it is safe, legal and right that such party in confinement as aforesaid should be discharged.

Superintendent to give notice of recovery.

§ 6. Section six of title second of said act is hereby amended so as to read as follows:

§ 6. Any idiot, lunatic or person of unsound mind, seized of any real estate, or entitled to any term for years in lands, may, by committee duly appointed, apply to the Supreme Court or county court for the sale or disposition of the same, in the manner hereinafter directed.

Sale of real estate. Amended. 1876, ch. 267, post.

§ 7. Section twenty-three of title second of said act is hereby amended so as to read as follows:

§ 23. Whenever any idiot, lunatic or person of unsound mind shall be seized or possessed of any real estate by way of mortgage, or as a trustee for others in any manner, his committee may apply to the Supreme Court or to the county court for authority to convey and assure such real estate to any other person or persons entitled to such conveyance or assurance, in such manner as the said court shall direct, upon which a reference and the like proceedings shall be had, as in the case of an application to sell real estate as aforesaid, and the court, upon hearing all parties interested, may order such conveyance or assurance to be made.

Committee may apply for authority to convey real estate

The sections amended by §§ 6, 7, 8 and 9 of the above act were repealed by L. 1880, ch. 245; § 6 was amended by L. 1876, ch. 267, post. See Co. Civ. Proc., ch. 17, tit. 7.

§ 8. Section twenty-four of title second of said act is hereby amended so as to read as follows:

**Commit-
tee may be
compelled
to convey.**

§ 24. On the application of any person entitled to such conveyance or assurance by action or petition, the committee may be compelled by the Supreme Court or county court, on a hearing of all parties interested, to execute such conveyance or assurance.

§ 9. Section twenty-seven of title second of said act is hereby amended so as to read as follows:

**Term of
leases.**

§ 27. The real estate of any idiot, lunatic, or person of unsound mind, shall not be leased for more than five years, or mortgaged or aliened or disposed of otherwise than is hereinbefore directed.

§ 10. Section eight of title third of said act is hereby amended so as to read as follows:

**Official
oath.**

§ 8. The superintendent, treasurer and steward of the asylum, before entering upon their respective duties, shall severally take the oath prescribed in the first section of the twelfth article of the Constitution of the State; and such oath shall be filed with the clerk of the county of Oneida.

§ 11. Section seventeen of title three of said act is hereby amended so as to read as follows:

**Treasurer
may recover
moneys
due asy-
lum.**

§ 17. Said treasurer is also authorized to recover for the use of the asylum, any and all sums which may be due upon any note or bond in his hands belonging to the asylum; also any and all sums which may be charged and due according to the by-laws of the asylum, for the support of any patient therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses, in an action to be brought in said treasurer's name, as treasurer of the State lunatic asylum, and which shall not abate by his death or removal, against the individual town, city or county legally liable for the maintenance of said patient, and having neglected to pay the same when demanded by the treasurer; and judgment shall be rendered for such sum as shall be found due, with interest from the time of the demand made aforesaid. Said treasurer may also, upon receipt of the money due upon any mortgage in his hands belonging to the asylum, execute a release and acknowledge full satisfaction thereof, so that the same may be discharged of record.

§ 12. Section ten of title four of said act is hereby amended so as to read as follows:

**Chronic
pauper
insane.**

§ 10. The chronic pauper insane from the poor-houses of the counties shall be sent to the said asylum by the county superintendents of the poor, except from those counties having asylums for the insane, to which they are now authorized to send such insane patients by special legislative enactments, or such counties as have been, or may hereafter be, exempted by the State Board of Charities. And all the chronic insane pauper patients who may be discharged not recovered from State lunatic asylums, and who continue a public charge, shall be sent to the asylum for the insane hereby created; and all such patients shall be a charge upon the respective counties from which they are sent.

§ 13. Title eight of said act is hereby amended so as to read as follows:

TITLE VIII.

**State
asylum for
insane
criminals.
Superin-
tendent.**

§ 1. The building erected at Auburn for an asylum shall be known and designated as the State Asylum for Insane Criminals, at Auburn.

§ 2. The State commissioner in lunacy shall appoint a medical superintendent for said asylum, who shall be a well-educated physician

of experience in the treatment of the insane, who shall, under the direction of said inspectors, have charge of said asylum, and shall make all purchases for the support of said asylum, and shall account for all moneys coming to his hand in the same manner as the agent and warden of any of the State prisons are now required by law to do.

§ 3. The said medical superintendent shall reside in the building, and shall devote as much of his time as may be necessary to the care and treatment of those confined therein. He shall receive a salary of fifteen hundred dollars per annum, payable monthly, and shall be allowed rations for himself and family, and all necessary fuel and lights for warming and lighting his rooms in said building.

Residence.

Salary.

§ 4. The superintendent shall be the chief executive officer of the asylum. He shall have the general superintendence of the buildings and grounds, together with their furniture, fixtures and stock; and the direction and control of all persons therein, subject to such laws and regulations as may be established by the board of inspectors. He shall have the nomination of his co-resident officers, with power to assign them their respective duties, subject to the by-laws aforesaid. Also to appoint, with the approval of the board, such and so many attendants and employees as he may think proper and necessary for the economical and efficient administration of the affairs of the asylum, and to prescribe their several duties and places, and to discharge any of them at his sole discretion. But in every case of discharge so occurring, he shall forthwith enter the same, with the reasons therefor, under an appropriate head, in one of the record books of the asylum. He shall also have power to suspend, until the next meeting of the board, for good and sufficient cause, any resident officer; but in such case he shall forthwith give written notice of the fact, with its causes and circumstances, to said board, whose duty thereupon it shall be to call a special meeting of the board to provide for the exigency. The assistant physician shall perform the duties and be subject to the responsibilities of the superintendent, in his sickness or absence.

Powers of superintendent.

§ 5. The other officers and employees in said asylum shall be an assistant physician, who shall also perform the duties of clerk of said asylum; a matron, and not exceeding ten male attendants for the male department, and four female attendants for the female department, who shall be appointed by the board of prison inspectors, upon the recommendation of the medical superintendent; and the monthly wages of such attendants shall be fixed from time to time by the said board of prison inspectors, not to exceed twenty-five dollars per month each, and the same paid monthly, and said attendants shall reside in, and be boarded at the expense of, such asylum.

Other officers.

Compensation.

§ 6. The Inspector of State Prisons shall cause any female convict in the State prison at Sing Sing, who now is or hereafter may become insane, to be removed to and retained in the female department of the State asylum for insane criminals in the manner provided by law. And all the provisions of this act shall apply to the cases of convicts so removed, except that whenever any such female convict shall have become restored to reason, she shall be transferred to and again received into the female State prison at Sing Sing.

Insane female convicts at Sing Sing.

§ 7. The medical superintendent shall file in the office of the Comptroller of this State a bond in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duty as such, which bond, before it shall be filed, shall be approved by the board of inspectors; and no medical superintendent shall enter upon the discharge of

Bond of superintendent.

the duties of said office till such bond so approved shall have been duly filed, as aforesaid.

Monthly
estimate.

§ 8. The superintendent shall estimate monthly, as is now provided by law, and subject to the same restrictions and conditions as in the case of agents and wardens of the State prisons, for all moneys necessary for the support and maintenance of said asylum, which estimate shall be submitted to and carefully examined by the inspector in charge of the said Auburn prison, who, if he is satisfied that the said estimate is correct, and that the articles named in said estimate are actually needed for the support and maintenance of said asylum, shall certify the same, and on the production of said estimate, so certified, to the Comptroller, he shall draw his warrant on the Treasurer for the amount of said estimate, and the Treasurer shall pay the amount of said warrant out of any money in the treasury appropriated for the support of the State prisons.

Rules and
regulations.

§ 9. The Inspectors of State Prisons shall adopt such rules and regulations from time to time as they shall deem proper for the control and management of the said asylum, which said rules and regulations shall be approved by the State commissioner in lunacy, and they shall also have power to remove any and all the officers in said asylum for cause, and shall enter such cause, in full on the minutes of their proceedings at the asylum. And no officer removed by the said inspectors, for cause, shall be reappointed to any position in said asylum.

When
inspectors
to exam-
ine into
condition
of con-
victs.

§ 10. Whenever the physicians of either of the State prisons of this State shall certify to the board of inspectors, or to the inspector in charge, that any convict therein is insane it shall be the duty of such board or of such inspector in charge, to make immediately, a full examination into the condition of such convict, and if satisfied that he is insane the said board of inspectors, or the inspector in charge, shall order the agent or warden of the prison where such convict is confined forthwith to convey said convict to the State asylum for insane criminals, and to deliver him to the superintendent thereof, who is hereby required to receive him into the said asylum, and retain him there until legally discharged.

Disposi-
tion of
convicts
remaining
insane
after ex-
piration of
sentence.

§ 11. Whenever any convict in the State asylum for insane criminals, under and by virtue of the provisions of this act, shall continue to be insane at the expiration of the term for which he was sentenced, the board of inspectors, upon the superintendent's certificate that he is harmless and will probably continue so, and that he is not likely to be improved by further treatment in the asylum; or upon a like certificate that he is manifestly incurable, and can probably be rendered comfortable at the county alms-house, may cause such insane convict to be removed at the expense of the State, from said asylum, to the county wherein he was convicted, or to the county of his former residence, and delivered to and placed under the care of the superintendents of the poor of such county, and the said superintendents are hereby required to receive such insane convict under their charge; they may also discharge and deliver any convict whose sentence has expired, and who is still insane, to his relatives or friends, who will undertake with good sureties to be approved by said superintendent of the State asylum for insane criminals, for his peaceful behavior, safe custody and comfortable maintenance without further public charge.

§ 12. In case the insanity of any convict shall continue after the expiration of his sentence, he shall be retained in said asylum until adjudged a fit subject to be discharged by the State commissioner in lunacy.

§ 13. Whenever any convict, who shall have been confined in the said asylum as a lunatic, shall have become restored to reason, and the medical superintendent of said asylum shall so certify in writing, he shall be forthwith transferred to the Auburn State prison, and the agent and warden of said prison shall receive said convict into the said prison, and shall in all respects treat such convict as if he had been originally sentenced to imprisonment in said prison, though said convict may have been conveyed to the said asylum from either of the other prisons of the State, but any convict received from a penitentiary shall be returned to the same.

Transfer to State prison.

§ 14. Whenever the Inspectors of State Prisons shall order any convict to be transferred to the asylum for insane criminals, the agent and warden of the prison from which such convict is transferred, shall cause a correct copy of the original certificate of conviction of said convict to be filed in his office, and shall deliver the original certificate to the superintendent of the asylum; and when any such convict shall be transferred to the Auburn prison from such asylum, as hereinbefore provided, the said superintendent shall deliver to the agent and warden of said prison such original certificate, which shall be filed in the clerk's office in said prison.

Certificate of conviction.

§ 15. The physician who shall attend any meeting of the board of Inspectors of State Prisons, or who shall make any examination of any convict, as hereinbefore provided, shall be paid his actual and reasonable traveling expenses in going to and returning from such examination or meeting, on the certificate of the president of the board of Inspectors of State Prisons that he has attended such meeting or examination.

Pay of physician.

§ 16. The superintendent is hereby authorized to recover for the support of any patient therein chargeable under the law to either counties or penitentiaries, in an action to be brought in said superintendent's name as superintendent of the State asylum for insane criminals, and which action shall not abate by reason of his death or removal, against the county or penitentiary for the maintenance of the said patient, and judgment therein shall be rendered for such sum as shall be found due, together with interest from the time of the demand made.

Action for support may be in name of superintendent.

§ *17. Section two of title ten of said act is hereby amended so as to read as follows:

§ 2. It shall be the duty of such commissioner to examine into and to report annually to the Legislature on or before the fifth day of January the condition of the insane and idiotic in this State, and the management and conduct of the asylums, public and private, and other institutions for their care and treatment. And it shall be the duty of the officers and others respectively in charge thereof to give such commissioner at all times free access, whether in person or by written communication, to the insane, and full information concerning them and their treatment therein.

Duty of State commissioner in lunacy.

§ *18. Section four of said title ten is hereby amended so as to read as follows:

§ 4. The said commissioner is hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers to administer oaths, and to examine persons under oath, and to exercise the same powers as belong to referees appointed by the Supreme Court, in all cases where, from evidence laid before him, there is reason to believe that any person is wrongfully deprived of

As to persons deprived of liberty. Amended 1870, ch. 301, post.

his liberty, or is cruelly, negligently or improperly treated in any asylum, institution or establishment, public or private, for the custody of the insane; or whenever there is inadequate provision made for their skillful medical care, proper supervision and safe-keeping; and if the same shall be proved to his satisfaction it shall be his duty to report the facts, together with his conclusion thereon, to a Justice of the Supreme Court, who shall thereupon grant the necessary relief.

8 Abb. N. C. 187, 218, 225; 7 id. 425.

CHAP. 585.

AN ACT to provide for the sale of stock and bonds of bankrupt railroad companies by municipal corporations holding the same, and for the disposition of the proceeds of such stock or bonds.

PASSED June 12, 1875; three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Municipal corporations authorized to sell stock of bankrupt railroads.

SECTION 1. Any municipal corporation within this State holding and owning any stock or mortgage bonds of any railroad company in this State which shall have been adjudicated bankrupt, or the property of which shall be in the possession of a receiver appointed under the laws of this State, or the railroad or other property of which shall have been sold or shall have been deemed to be sold by virtue of any decree of foreclosure of any mortgage executed by such railroad company, is hereby authorized to sell and dispose of such stock or mortgage bonds in the manner hereinafter provided.

Notice of sale.

§ 2. The commissioner or commissioners of any municipal corporation within this State which shall have issued its bonds in aid of the construction of the railroad of any railroad company in this State within the provisions of section one of this act appointed to issue such bonds of any municipal corporation under any law of this State, or the successor or successors in office of any such commissioner or commissioners, on the application of the mayor and common council of any city, or of the board of trustees of any incorporated village, or of the supervisor of any town within this State, the bonds of which shall have been issued in aid of the construction of any such railroad, as aforesaid, shall forthwith publish a notice of the sale at public auction of the stock or mortgage bonds of any such railroad company held and owned by such municipal corporation, as aforesaid, at such public place within the limits of such municipal corporation as such commissioner or commissioners may specify in such notice. The said notice shall specify the amount of such stock or bonds so held by said municipal corporation and the number of shares of such stock, and the amount of such bonds, respectively, and the name of the railroad company by which the same were issued, and shall be published in two newspapers published in the county wherein such railroad may be situated, or if it extends through or into more than one county, then in two newspapers published in each county wherein such railroad may be situated, at least once in each week after the first publication of such notice, until the day of sale, which shall be not less than ten nor more than twenty days after the first publication of the said notice.

§ 3. On the day and at the place of sale specified in the notice aforesaid, **Sale.** the said commissioner or commissioners shall sell at public auction, to the highest bidder for cash, all the stock or mortgage bonds of any such railroad company so held and owned by such municipal corporation as aforesaid, in such parcel or parcels as in their discretion shall be most advantageous to the said municipal corporation, and shall deliver the same to the purchaser or purchasers thereof, and shall execute to such purchaser or purchasers any transfer or assignment of such stock or bonds, necessary to transfer the same, and thereupon the purchaser or purchasers of such stock or bonds shall be vested with all the right, title and interest of the said municipal corporation, and of the said commissioner or commissioners in and to the stock or bonds so sold as aforesaid.

§ 4. All moneys received by said commissioner or commissioners for any stock or mortgage bonds sold pursuant to the provisions of this act, shall be immediately paid over to the treasurer or other officer of such municipal corporation having charge of its funds, in case of a town to the supervisor thereof for the use of such municipal corporation, and after paying the expenses of such sale, shall be applied by such municipal corporation to the payment and extinguishment of its bonds issued in aid of said railroad company, and to no other purpose whatever; provided, that in case the municipal bonds so issued shall have been all paid before such sale, or in case the moneys realized from such sale shall be more than sufficient to pay off the municipal bonds issued as aforesaid in aid of such railroad corporation then outstanding, the proceeds of such railroad stock or bonds, or any such balance thereof, shall be applied by such municipal corporation to the payment of such other debt thereof, or to defray such other lawful charge thereupon, as the common council of any such city, or the board of trustees of any such incorporated village, or the qualified voters of any such town, in town meeting, may direct.

§ 5. All acts and parts of acts so far as they are inconsistent herewith are hereby repealed.

§ 6. This act shall take effect immediately.

CHAP. 586.

AN ACT to define the powers and privileges of railroad corporations, and to repeal sections three and four of chapter two hundred and seventy-eight of the laws of eighteen hundred and sixty-eight, entitled "An act in relation to the Erie, New York Central, Hudson River and Harlem Railway Companies." **Railroad.**

PASSED June 12, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. When the time for holding the annual election for the directors of any railroad company is now fixed by any law, charter or by-law for a time, within three months before the thirtieth day of September in any year, the directors of such company may by resolution, to be published at least thirty days before the time now established for such election, postpone such election to a time not more than **Postpone-ment of annual election.**

two months after the thirtieth day of September then next ensuing, and thereafter the annual election of such company shall be held in each year on the day so designated, and the term of office of the directors of such company, in office when such change is made, shall be extended to the day thus fixed for the next election of directors, and the election of their successors.

Company may purchase lands and stock in other States.

§ 2. Any railroad company organized under the laws of this State may purchase, hold and convey lands, or any interest in lands in any other State through which any part of its railroad is operated, or may purchase, hold and transfer stock in any company organized in another State, owning lands as aforesaid, for the purpose of securing for such railroad in this State a permanent supply of fuel for its use.

Repeal clause.

§ 3. Sections three and four of chapter two hundred and seventy-eight of the laws of eighteen hundred and sixty-eight, entitled "An act in relation to the Erie, New York Central, Hudson River and Harlem Railway Companies," passed April twenty-first, eighteen hundred and sixty-eight, are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 596.

State prisons.

AN ACT to amend chapter four hundred and twenty-six of the laws of eighteen hundred and sixty-seven, entitled "An act to amend chapter six hundred of the laws of eighteen hundred and sixty-five, passed April twenty-eight, eighteen hundred and sixty-five," entitled "An act to amend an act entitled 'An act in relation to the compensation of the several officers of State prisons,' passed April twenty-third, eighteen hundred and sixty-four."

PASSED June 18, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending Laws 1867, ch. 423, 7 Edm. 102.

SECTION 1. Section one of chapter four hundred and twenty-six of the laws of eighteen hundred and sixty-seven, entitled "An act to amend chapter six hundred of the laws of eighteen hundred and sixty-five, passed April twenty-eight, eighteen hundred and sixty-five, entitled "An act to amend an act entitled 'An act in relation to the compensation of the several officers of State prisons,' passed April twenty-third, eighteen hundred and sixty-four," is hereby amended so as to read as follows:

Compensation of officers of State prisons.

§ 1. From and after the first day of March, eighteen hundred and seventy-five, the compensation of the several officers, keepers, guards and teachers of the Sing Sing, Auburn and Clinton prisons shall be as follows: To each of the agents and wardens of said prisons, thirty-five hundred dollars per year; to the physician of each prison, fifteen hundred dollars per year; to the principal keeper of each of said prisons, fifteen hundred dollars per year; to the clerk of each of said prisons, fifteen hundred dollars per year; to the chaplain of each of said prisons, fifteen hundred dollars per year; to the kitchen keeper of each of said prisons, twelve hundred dollars per year; to the store-keeper of each of said prisons, twelve hundred dollars per year; to the hall keeper of each of said prisons, twelve hundred dollars per year; to the yard keeper of each of said prisons, one thousand dollars per year; to the keepers of each of said prisons, nine hundred dollars per year; to the sergeant of guard of each of said prisons, nine hundred dollars per year; to the guards of each of said prisons, seven hundred and eighty dollars per year; the matron of the prison at Sing Sing shall receive seven hundred and eighty dollars per year; and the assistant matrons at such prison shall each receive six hundred and sixty dollars per year; at each of said prisons the salary of the male teachers shall be three hundred dollars per year each, and that of the female teachers shall be two hundred dollars per year each, which salaries shall be in full for all services performed. The salary of the superintendent of the State lunatic asylum for insane convicts, at Auburn, shall be fifteen hundred dollars per year.

§ 2. This act shall take effect immediately.

CHAP. 597.

AN ACT to amend an act entitled An act to provide for the incorporation of religious societies, passed April fifth, one thousand eight hundred and thirteen. Religious societies, 3 Edm. 387.

PASSED June 18, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of an act entitled An act to provide for the incorporation of religious societies, passed April fifth, one thousand eight hundred and thirteen, is hereby amended so as to read as follows: Amending Laws 1513, ch. 61, 3 Edm. 687.

§ 7. And be it further enacted that no person belonging to any church congregation or society intended by the third section of this act shall be entitled to a vote at any election succeeding the first until such person shall have been a stated attendant on divine worship in the said church, congregation or society at least one year before such election, and shall have contributed to the support of the said church, congregation or society according to the usages and customs thereof, and that the clerk to the said trustees shall keep a register of the names of all such persons as shall desire to become stated hearers in the said church, congregation or society, and shall therein note the time when such request was made, and the said clerk shall attend all such subsequent elections in order to test the qualifications of such electors in case the same should be questioned, except that in the Methodist Episcopal church in the city of Brooklyn, no person shall be entitled to vote at any election succeeding the first until such person shall have been a member of full age and of at least twelve months' standing in the local church for which the trustees are to be elected.

CHAP. 598.

AN ACT in relation to railroad corporations.

PASSED June 18, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any existing railroad company heretofore organized or incorporated under the laws of this State, except such as may have been organized for the purpose of constructing or operating a railroad in the city of New York, which may have been unable from any cause to construct its railroad within the time specified by its charter or articles of association, shall hereby have the time for the completion of the railroad it was authorized to construct extended for a further term of two years beyond the time heretofore limited, and failure to construct its railroad heretofore shall not cause a forfeiture of its corporate powers; but nothing herein contained shall have the effect to revive any corporation whose corporate power has been forfeited from any cause. Amended 1879, ch. 850, post, p. 773, 72 N. Y. 245, 78 N. Y. 524.

CHAP. 604.

Title as amended by § 1, ch. 463, L. 1880, passed May 27, 1880.

AN ACT to protect the shores and bay of New York, and the seaside resorts near New York city, and to prevent the deposit of carrion, offal, dead animals, bedding, or any putrid, offensive, decaying or refuse vegetable or animal matter, or any garbage or sweepings taken from the streets of any city, into the North and East rivers, or in the bay of New York, or Raritan bay within the jurisdiction of the State of New York, or in the waters of Jamaica bay, or in the waters of the Atlantic ocean within three miles of Coney Island, or within three miles of Rockaway beach or Far Rockaway, or within less than one mile beyond the outer bar.

PASSED June 18, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Deposit of dead animals, etc., in certain waters prohibited.

SECTION 1. It shall not be lawful for any person or persons to throw or cast any dead animals, carrion, offal, bedding or any putrid, offensive refuse, decaying or decayed vegetable or animal matter, or any garbage, or any sweepings taken from the streets of any city, into the waters of the North and East rivers, adjoining the counties of New York, Kings, Westchester or Richmond, or in the bay of New York, or in Raritan bay within the jurisdiction of this State, or in the waters of Jamaica bay, or in the waters of the Atlantic ocean within three miles of Coney Island, or within three miles of Rockaway beach or Far Rockaway, or within less than one mile beyond the outer bar, so that the same shall be deposited in deep water. But nothing in this act shall be so construed as to prevent the landing and utilizing of dead animals and offal and the manufacture of fertilizers on Barren Island.

As amended by § 2, ch. 463, L. 1880.

Boat or vessel containing dead animals, offal, etc.

§ 2. It shall not be lawful for any person or persons to sail, navigate or move, or to aid, direct or assist in sailing, navigating or moving, or to be employed upon, or to accompany any boat or vessel containing any such animal or material as is named in section two of this act, through or upon the waters of that part of New York bay known as the Narrows, and lying between Forts Wadsworth and Hamilton, or any part of said bay south of said Narrows, with the intent or for the purpose of throwing or casting such animal or material, or any portion thereof, into the ocean or sea, or in any portion of the waters mentioned in said section two* of this act, without a permit, in writing, first obtained therefor from the inspector appointed or to be appointed under said chapter six hundred and four of the laws of eighteen hundred and seventy-five, who shall have the power of granting such permits from time to time as he shall deem proper, and which shall not be inconsistent with the second section of this act, and having such regard to the course and condition of the then

Permit from inspector.

* Section 2 of the act of 1880. See § 1, *supra*.

existing winds and tides, as in his judgment shall best tend to prevent the subsequent return or deposit of any such contents of said boat or vessel within the waters of this State, if cast upon the waters beyond the jurisdiction thereof.

As amended by § 3, ch. 463, L. 1880.

§ 3. Any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and liable to imprisonment for a term of not less than six months and to a fine of not less than five hundred dollars, in the discretion of the court, for each and every offense, and may be arrested by the authorities of either of the counties of New York, Kings, Queens, Westchester or Richmond. The courts in said counties, respectively, shall have power and jurisdiction to try said offenders, whether the offense be committed within their respective counties or not. Out of any moneys received for fines under this act, such sum or sums shall be allowed and paid for the expenses and disbursements attending the arrest, as the court or magistrate may deem reasonable and proper.

Misdemeanor and punishment thereof.

What courts have jurisdiction.

Expenses.

§ 4. Immediately after the passage of this act, and within one month preceding the first day of May in each third year then thereafter, the governor shall appoint one respectable citizen of said county of Kings or Richmond, who shall be known and designated as the "shore inspector" of the counties of New York, Kings, Queens, Westchester and Richmond, and who, during the term of his office, shall reside within one and one-half miles of the shore, at that part of the bay known as the Narrows, as the same is defined in the second section of this act, and he shall, within ten days after his said appointment, take the constitutional oath of office and file the same with the secretary of state. The term of office of the inspector first appointed under this act shall be three years, ending on the first day of May, eighteen hundred and seventy-eight, and the term of his successors in office, respectively, shall expire on the first day of May in every third year thereafter. In case of any vacancy in such office, occurring by reason of death, resignation, refusal to serve, failure to take the oath within the ten days, or disqualification as to residence as aforesaid, or otherwise, the said vacancy shall forthwith be filled by appointment by the governor, who is also authorized to accept any such resignation, and such appointment shall be only for the unexpired portion of the term in which the vacancy exists. Each inspector to be appointed under this act shall serve as herein provided, and until his successor shall have been duly appointed and qualified as aforesaid, and for his services (including that of such subordinates as he may employ as hereinafter provided) he shall receive an annual salary of two thousand dollars, which shall be in lieu of all other compensation for the services of himself under this act. To make up and pay the salary of the said inspector and his subordinates, the boards of supervisors of the said counties, respectively, shall annually levy and cause to be collected as a county charge, an amount of money which the salary aforesaid shall proportionately bear to the taxable real and personal property in said counties, respectively, according to the last annual assessment rolls therein, to be apportioned by the comptroller of the State; and the respective treasurers of said counties, or other proper custodian of county moneys, shall receive and pay over the sum so raised to the comptroller of the State, who shall thereupon pay to the inspector aforesaid, in equal quarterly payments, the salary aforesaid.

Shore inspector.

Residence of.

Official oath and term of office.

Vacancy, how filled.

Salary of inspector.

Tax to pay salary.

Money raised to be paid to comptroller.

Inspector
to report
violations
of this act.

Arrest.

Duty of
magistrate
or court.

Transport-
ing dead
animals,
etc., ex-
cept by
steam ves-
sels pro-
hibited.

Expenses
of carrying
out this
act, how
paid.

Deputy
inspectors.

Burying
carcass,
etc.

§ 5. It shall be the duty of the said inspector diligently to investigate and report without delay to the proper magistrate, court or other authority, any and every violation of any of the provisions of this act, that the offender may be duly arrested and punished therefor, and to aid in all proper ways in the enforcement thereof; and he shall have power to arrest, in any of the counties aforesaid, any person or persons who may be found by him actually engaged in violating any of the provisions of this act, and to take such person or persons before such magistrate or court, whose duty it shall be to require such inspector to make complaint, in writing, and under oath, of such person or persons so arrested, as to such violation, when the allegations of such complaint shall be duly heard and disposed of as herein provided.

§ 6. It shall not be lawful for any person or persons to sail, navigate or move, or to aid, direct or assist in sailing, navigating or moving, or to be employed upon or to accompany any boat or vessel engaged in the transportation of any dead animals, carrion, offal, or any putrid, offensive refuse, decaying or decayed vegetable or animal matter, or any garbage or sweepings taken from the streets of any city, upon the waters aforesaid, unless the same be propelled or moved by steam power; and it shall not be lawful for any steam vessel to tow or carry any of the articles mentioned in this section, unless its name be plainly painted on each side. The more effectually to carry out the object of this act, the sum of fifteen hundred dollars for expenses shall be annually raised by the boards of supervisors of the several counties named in section four of said act, in the same manner and proportion as the salary of the said inspector is raised under said section, and to be apportioned by the comptroller of the State; and the respective treasurers of said counties, or other proper custodians of county moneys, shall receive and pay over the sums so raised to the comptroller of the State, who shall thereupon pay the same to the inspector aforesaid in equal quarterly payments. The amount to be raised in the year eighteen hundred and eighty, in addition to the sum required for the ensuing year, shall include also such sum, not exceeding the limit herein prescribed, as shall be sufficient to meet the liabilities incurred or to be incurred for such purposes during the current year; that is to say, the additional sum so to be raised shall bear the same proportion to the said annual sum of fifteen hundred dollars as the time from the passage of this act to the end of the fiscal year shall bear to the whole year. The said shore inspector shall have power to appoint one or more deputies to assist him in his duties, who shall be paid out of said moneys which he shall receive for expenses. The said deputy or deputies shall have the same power as the said shore inspector.

As amended by § 4, ch. 463, L. 1880.

§ 7. It shall be the duty of said shore inspector, from time to time, to employ such force of men as shall be sufficient to and who shall remove or cause to be removed or buried all carrion, dead animals, offal, infected bedding and putrid and offensive matter found on or near the shores of Kings county, from the east end of Coney Island to the city line of Brooklyn, and the shores of Staten Island, Richmond county, so as to prevent the same from becoming injurious or detrimental to the public health. The said inspector shall engage and employ such number of men and such vessel or vessels as in his

judgment shall be required for the speedy and effectual accomplishment of the objects of this act, the expense whereof shall be paid by the said county of Kings; and the proper officers are hereby directed to cause such amount of money to be raised annually as may be certified by said inspector to be necessary for the purpose for the ensuing year, not exceeding three thousand dollars for any one year, and the same shall be paid by the county treasurer of said county to the persons entitled thereto, upon the certificate or orders of said inspector. The amount to be raised in the year eighteen hundred and eighty, in addition to the sum required for the ensuing year, as aforesaid, shall include also such sum, not exceeding the limit herein prescribed, as shall be sufficient to meet the liabilities incurred or to be incurred for such purposes during the current year; that is to say, the additional sum so to be raised shall bear the same proportion to the said annual sum of three thousand dollars as the time from the passage of this act to the end of the fiscal year shall bear to the whole year.

Expenses
limited.
County
treasurer
to pay
parties
entitled.

As amended by § 5, ch. 463, L. 1880.

§ 8. This act shall take effect immediately.

[For greater convenience, the remaining sections of ch. 463, L. 1880, are inserted here, as follows]:

§ 6. Any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and the person so violating the same shall, upon conviction, be punished by the infliction of a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment as is now provided in case of misdemeanors, or both, in the discretion of the court, and may be arrested by the authorities of either of the counties of New York, Kings, Queens, Westchester or Richmond; the courts in said counties, respectively, shall have power and jurisdiction to try said offenders whether the offense be committed within their respective counties or not. Out of any moneys received for fines under this act such sum or sums shall be allowed and paid for the expenses and disbursements attending the arrest as the court or magistrate may deem reasonable and proper.

Misdemeanor
and punishment.

Jurisdiction.

Expenses
of arrest.

Compare § 6 with § 8 of the act of 1875, *supra*.

§ 7. This act shall take effect immediately.

CHAP. 606.

AN ACT further to provide for the construction and operation of a steam railway or railways in counties of the State.

PASSED June 18, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

See 70 N.Y.
387, 389,
9 Hun, 303.

Applica-
tion for
railway.

Commis-
sioners.

Railways
in cities.

Commis-
sioners to
take oath
and give
bond.

First
meeting.

To deter-
mine ne-
cessity of
railways
and fix
route.
Amended
1880, ch.
417, post,
p. 1010.

SECTION 1. Whenever it shall appear, by the application of fifty reputable householders and tax payers of any county in this State, verified upon oath before a justice of the Supreme Court, that there is need in such county of a steam railway or railways for the transportation of passengers, mails or freight, the board of supervisors of said county may within thirty days after presentation to them of such application, duly verified as aforesaid, appoint five commissioners who shall be residents of the said county and who shall have full power and authority to do and provide all that they are hereinafter directed to do and provide, and a certificate of whose appointment, signed by the chairman and clerk of such board, shall be filed in the office of the Secretary of State, and a duplicate thereof in the office of the clerk of such county. But whenever any such proposed railway shall be wholly within the limits of any city in the State, then such application shall be made only to the mayor of said city, and such mayor shall appoint such commissioners as aforesaid.

§ 2. Within ten days after their appointment, each of said commissioners shall take and subscribe an oath, faithfully to perform the duties of his office, the said oath to be filed in the office of the Secretary of State, and a duplicate thereof in the office of the clerk of such county, and shall give a bond to the people of the State of New York, in the penal sum of twenty-five thousand dollars, conditioned for the faithful performance of the duties required by this act, which bond shall have two or more sureties, to be approved by a justice of the department of the Supreme Court including such county, and shall be filed in said clerk's office, before said commissioner shall assume or perform any of the duties of his office.

§ 3. Within fifteen days after their appointment, the said commissioners shall meet at some convenient place in such county, and organize themselves as a board with appropriate officers.

§ 4. Said commissioners shall, within thirty days after such organization, determine upon the necessity of such steam railway or railways, and if they find such railway or railways to be necessary in such county, they shall, within sixty days after such organization, fix and determine the route or routes for such steam railway or railways, and the said commissioners shall have the exclusive power to locate the route or routes of such railway or railways, over, under, through or across the streets, avenues, places or lands in such county, "except Broadway and Fifth avenue, below Fifty-ninth street, and Fourth avenue, above Forty-second street, in the city of New York," and except such portions of streets and avenues as are legally designated for the main line of or occupied by an elevated or underground railway, in actual operation, and except such as are contained in public parks, or occupied by buildings belonging to such county, or to this State, or to the United States, and except that portion of the city of Buffalo lying between Michigan and Main streets, and to provide for the connection or junction

with any other railway or bridge, provided that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railway or railways be first obtained, or in case the consent of such property owners cannot be obtained, that the determination of three commissioners, appointed by the general term of the Supreme Court in the district of the proposed construction given after a due hearing of all parties interested and confirmed by the court, that such railway or railways ought to be constructed or operated be taken in lieu of the consent of such property owners.

§ 5. The said commissioners having, by such public notice as they may deem most proper and effective, under such conditions and with such inducements as to them may seem most expedient, invited the submission of plans for the construction and operation of such railway or railways, the said commissioners shall meet at a place and upon a day, in such public notice named, not more than ninety days after their organization, and decide upon the plan or plans for the construction of such railway or railways with the necessary supports, turnouts, switches, sidings, connections, landing-places, stations, buildings, platforms, stairways, elevators, telegraph and signal devices, or other requisite appliances upon the route or routes, and in the locations determined by them. Plans.

§ 6. The said commissioners shall, within the like period of ninety days after their organization, fix and determine the time within which such railway, or railways, or portions of the same, shall be constructed and ready for operation, together with the maximum rates to be paid for transportation and conveyance over such railway, or railways, and the hours during which special cars or trains shall be run at reduced rates of fares. The said commissioners shall also, within the like period of ninety days after their organization, fix and determine the amount of the capital stock of the company to be formed for the purpose of constructing, maintaining and operating such railway, or railways, for public use in the conveyance of persons and property, the number of shares into which such capital stock shall be divided, and the percentage thereof to be paid in cash on subscribing for such shares. Commissioners to determine when railway to be built, rate of fare, etc.

§ 7. The said commissioners shall prepare appropriate articles of association for the company, in the last section mentioned, in which said articles of association shall be set forth and embodied as component parts thereof, the several conditions, requirements and particulars by said commissioners determined pursuant to sections four, five and six of this act, and which further shall provide for the release and forfeiture, to the supervisors of the county, of all rights and franchises acquired by such corporation in case such railway, or railways, shall not be completed within the time and upon the conditions therein provided; and the said commissioners shall thereupon, and within one hundred and twenty days after their organization as aforesaid, cause a suitable book of subscription to the capital stock of such company to be opened, pursuant to due public notice, at a banking office in such county. Articles of association.

§ 8. Whenever the whole capital stock of such company, or an amount of such capital stock proportioned to the part of such railway or railways directed by said commissioners to be first constructed, shall have been subscribed by not less than twenty-five persons, and the fixed percentage of such subscriptions shall have been paid in cash, the said Organization.

commissioners shall, by written or printed notice of ten days, served personally, or by mail, call a meeting of such subscribers for organization. At such meeting, or at any subsequent one to which the same may be adjourned, a majority in number and amount of said subscribers may elect persons, of a number to be theretofore determined by said commissioners, who shall be directors for one year of the corporation formed for the purpose of constructing and operating said railway or railways.

Commissioners to deliver certificate.

Affidavit of directors.

§ 9. Within ten days after the election of said directors, said commissioners shall deliver to said directors a certificate in duplicate, verified by the oath of three commissioners, before a justice of the Supreme Court, setting forth the said articles of association and the organization of the company for the purposes in this act mentioned and provided for; and within five days after the reception by them of such certificate, three of the directors so elected shall make affidavit, in duplicate, that the full amount of stock has been subscribed in good faith, and the prescribed percentage paid in cash thereon, and that it is intended, in good faith, to construct, maintain and operate the railway or railways in such articles of association mentioned, and the said directors shall file said certificates and articles in the office of the Secretary of State, and a duplicate of the same in the office of the clerk of the county wherein such railway or railways shall be located, and thereupon the persons who have so subscribed such articles of association, and all persons who shall become stockholders in such company, shall be a corporation by the name specified in such articles of association, and shall possess the powers and privileges granted to corporations, and be subject to the duties and restrictions of corporations. A copy of such certificate and affidavit, certified to be a copy by the Secretary of this State, or his deputy, shall be presumptive evidence of the incorporation of such company and of the facts therein stated.

Directors.

§ 10. Said directors shall be chosen annually, by a majority of the votes of the stockholders voting at such election, in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be directors until others are elected in their places. In the election of directors, each stockholder shall be entitled to one vote for each share of stock held by him. Vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation. Every corporation formed under this act shall be subject to the regulations concerning the election of directors of moneyed corporations, contained in article second of the second title of the eighteenth chapter of the first part of the Revised Statutes. The inspectors of the first election of directors shall be appointed by the commissioners. No person shall be a director unless he shall be a stockholder owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen. At every election of directors the books and papers of such company shall be exhibited to the meeting, provided a majority of the stockholders present shall require it. The directors shall appoint one of their number president; they may also appoint a treasurer and secretary, and such other officers and agents as shall be prescribed by the by-laws.

Payment subscriptions to stocks.

§ 11. The directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed, in such manner and in such installments as they may deem proper. If any stockholder shall neglect to pay any installment as required by a resolution of the board of directors, the said board shall be authorized to declare his stock, and all previous payments thereon, forfeited

for the use of the company; but they shall not declare it so forfeited until they shall have caused a notice in writing to be served on him personally, or by depositing the same in the post-office, postage prepaid, properly directed to him at the post-office nearest his usual place of residence, stating that he is required to make such payment at the time and place specified in said notice; and that if he fails to make the same, his stock, and all previous payments thereon, will be forfeited for the use of the company; which notice shall be served as aforesaid, at least sixty days previous to the day on which such payment is required to be made.

§ 12. Each stockholder of any company formed under this act shall be individually liable to the creditors of such company, to an amount equal to the amount unpaid on the stock held by him, for all the debts and liabilities of such company, until the whole amount of the capital stock so held by him shall have been paid to the company, and all the stockholders of any such company shall be jointly and severally liable for the debts due or owing to any of its laborers and servants, other than contractors, for personal services for thirty days' service performed for such company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against the corporation, and the amount due on such executions shall be the amount recoverable, with costs against such stockholders; before such laborer or servant shall charge such stockholder for such thirty days' service, he shall give him notice in writing within twenty days after the performance of such service, that he intends so to hold him liable, and shall commence such action therefor within thirty days after the return of such execution unsatisfied, as above mentioned; and every such stockholder against whom any such recovery by such laborer or servant shall have been had, shall have a right to recover the same of the other stockholders in said corporation, in ratable proportion to the amount of the stock they shall respectively hold with himself.

Liability
of stock-
holder.

§ 13. The stock of every company formed under this act shall be deemed personal estate, and shall be transferable in the manner prescribed by the by-laws of the company, but no share shall be transferable until all previous calls thereon shall have been fully paid in.

Stock.

§ 14. In case the capital stock of any company formed under this act is found to be insufficient for constructing and operating its road, such company may, with the concurrence of two-thirds in amount of all its stockholders, increase its capital stock from time to time, to any amount required for the purposes aforesaid. Such increase must be sanctioned by a vote in person, or by proxy, of two-thirds in amount of all the stockholders of the company, at a meeting of such stockholders, called by the directors of the company for that purpose, by a notice in writing to each stockholder, to be served on him personally, or by depositing the same, properly folded and directed to him at the post-office nearest his usual place of residence, in the post-office, postage prepaid, at least twenty days prior to such meeting. Such notice must state the time and place of the meeting, and its object, and the amount to which it is proposed to increase the capital stock. The proceedings of such meeting must be entered on the minutes of the proceedings of the company, and thereupon the capital stock of the company may be increased to the amount sanctioned by a vote of two-thirds in amount of all the stockholders of the company as aforesaid.

Increase
of capital
stock.

Stock held
in trust.

§ 15. No person holding stock in any such company, as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such company; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estates and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner, and to the same extent as the testator or intestate or the ward or person interested in such trust fund would have been if he had been living and competent to act, and held the same stock in his own name.

Liability to
laborers.

§ 16. As often as any contractor for the construction of any part of a railroad, which is in progress of construction, shall be indebted to any laborer for thirty or any less number of days' labor performed in constructing said road, such laborer may give notice of such indebtedness to said company in the manner herein provided; and said company shall thereupon become liable to pay such laborer the amount so due him for such labor, and an action may be maintained against said company therefor. Such notice shall be given by said laborer to said company within twenty days after the performance of the number of days' labor for which the claim is made. Such notice shall be in writing and shall state the amount and number of days' labor, and the time when the same was performed, for which the claim is made, and the name of the contractor from whom due, and shall be signed by such laborer or his attorney; and shall be served on an engineer, agent or superintendent employed by such company having charge of the section of the road on which such labor was performed, personally, or by leaving the same at the office or usual place of business of such engineer, agent or superintendent with some person of suitable age. But no action shall be maintained against any company under the provisions of this section, unless the same is commenced within thirty days after notice is given to the company by such laborer as above provided.

Real
estate.

§ 17. Every such corporation shall have the right to acquire and hold such real estate, or interest therein, as may be necessary to enable them to construct, maintain and operate the said railway or railways, and such as may be necessary for stations, depots, engine houses, car-houses and machine shops, and, in case any such corporation cannot agree with the owner or owners of any such real estate, or of any interest therein, it shall have the right to acquire title to the same in the manner and by the special proceedings prescribed in this act.

Title, how
acquired.

§ 18. For the purpose of acquiring such title, the said company may present a petition, praying for the appointment of commissioners of appraisal, to the Supreme Court, at any general or special term thereof, held in the judicial district in which the real estate described in the petition is situated. Such petition shall be signed and verified according to the rules and practice of such court. It must contain a description of the real estate which the company seeks to acquire; and it must, in effect, state that the company is duly incorporated, and that it is the intention of the company, in good faith, to construct and finish a railroad from and to the places named for that purpose in its articles of association; that the whole capital stock of the company has been in good faith subscribed as required by this act; that the land described in the petition is required for the purpose of constructing or operating the proposed road; and that the company has not been able to acquire title thereto, and the reason of such ina-

bility. The petition must also state the names and places of residence of the parties, so far as the same can by reasonable diligence be ascertained, who own or have, or claim to own or have, estates or interests in the said real estate; and, if any such persons are infants, their ages as near as may be, must be stated; and, if any of such persons are idiots or persons of unsound mind, or are unknown, that fact must be stated, together with such other allegations and statements of liens or incumbrances on said real estate as the company may see fit to make. A copy of such petition, with a notice of the time and place the same will be presented to the Supreme Court, must be served on all persons whose interests are to be affected by the proceedings, at least ten days prior to the presentation of the same to the said court.

§ 19. On presenting such petition to the Supreme Court as aforesaid, with proof of service of a copy thereof, and notice as aforesaid, all persons whose estates or interests are to be affected by the proceedings may show cause against granting the prayer of the petition, and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of five disinterested and competent persons, who reside in the county where the premises to be appraised are situated, commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken in such county for the purposes of the company, and to fix the time and place for the first meeting of such commissioners.

Commissioners
to be appointed.

§ 20. The commissioners shall take and subscribe the oath prescribed by the twelfth article of the Constitution. Any one of them may issue subpoenas, administer oaths to witnesses, and any three of them may adjourn the proceedings before them from time to time, in their discretion. Whenever they meet, except by the appointment of the court, or pursuant to adjournment, they shall cause reasonable notice of such meetings to be given to the parties who are to be affected by their proceedings, or their attorney or agent. They shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in each case, and without any unnecessary delay, and before proceeding to the examination of any other claim, a majority of them, all being present and acting, shall ascertain and determine the compensation which ought justly to be made by the company to the party or parties owning or interested in the real estate appraised by them; and in determining the amount of such compensation, they shall not make an allowance or deduction on account of any real or supposed benefits which the party in interest may derive from the construction of the proposed railroad. They, or a majority of them, shall also determine and certify what sum ought to be paid to a general or special guardian or committee of an infant, idiot, or person of unsound mind, or to an attorney appointed by the court to attend to the interest of any unknown owner or party in interest not personally served with notice of the proceedings, and who has not appeared, for costs, expenses and counsel fees. They shall make a report to the Supreme Court, signed by them or a majority of them, of the proceedings before them, with the minutes of the testimony taken by them, if any. Said commissioners shall be entitled to three dollars for their expenses and services for each day they are engaged in the performance of their duties, to be paid by the company.

Proceedings of
commissioners.

Confirmation of report.

§ 21. On such report being made by said commissioners, the company shall give notice to the parties, or their attorneys, to be affected by the proceedings, according to the rules and practice of said court, at a general or special term thereof, for the confirmation of such report; and the court shall thereupon confirm such report and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate appraised for which compensation is to be made; and shall also direct to whom the money is to be paid, or in what bank, and in what manner it shall be deposited by the company.

Order to be recovered.
Company to have title on payment of award, etc.

§ 22. A certified copy of the order so to be made, as aforesaid, shall be recorded at full length in the clerk's office of the county in which the land described in it is situated; and thereupon, and on the payment or deposit by the company of the sums to be paid as compensation for the land, and for costs, expenses and counsel fees as aforesaid, and as directed by said order, with interest from the date thereof, the company shall be entitled to enter upon, take possession of and use the said land for the purpose of its incorporation, during the continuance of its corporate existence, by virtue of this or any other act; and all persons who have been made parties to the proceedings shall be divested and barred of all right, estate and interest in such real estate, during the corporate existence of the company as aforesaid. If the company shall neglect to have such order recorded, and to make the payment or deposit as herein provided, for the period of ten days after the date of such order, any party to such proceedings, and interested therein may, at his election, cause a certified copy of the said order to be recorded as aforesaid, and thereupon the moneys therein directed to be paid, with interest thereon from the date of said order, shall be a debt against the company, and the same shall be a lien on such real estate, and may be enforced and collected by action at law or in equity in the Supreme Court, with costs. All real estate acquired by any company under and pursuant to the provisions of this act, for the purposes of its incorporation, shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the commissioners, as provided for in the twenty-first section of this act, either party may appeal, by notice in writing to the other, to the Supreme Court, from the appraisal and report of the commissioners. Such appeal shall be heard by the Supreme Court at any general or special term thereof, on such notice thereof being given according to the rules and practice of said court. On the hearing of such appeal, the court may direct a new appraisal, before the same or new commissioners, in its discretion; the second report shall be final and conclusive on all the parties interested. If the amount of the compensation to be made by the company is increased by the second report, the difference shall be a lien on the land appraised, and shall be paid by the company to the parties entitled to the same, or shall be deposited in the bank, as the court shall direct; and if the amount is diminished, the difference shall be refunded to the company by the party to whom the same may have been paid; and judgment therefor may be rendered by the court, on the filing of the second report, against the party liable to pay the same. Such appeal shall not affect the possession by such company of the land appraised; and when the same is made by others than the company it shall not be heard, except on a stipulation of the party appealing not to disturb such possession.

Appeals.

§ 23. If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid into said court by the company, and may determine who is entitled to the same, and direct to whom the same shall be paid; and may, in its discretion, order a reference to ascertain the facts on which such determination and order are to be made. The court shall appoint some competent attorney to appear for, and protect the rights of any party in interest who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent. The court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary; or to cause new parties to be added, and to direct such further notices to be given to any party in interest, as it deems proper; and also to appoint other commissioners in place of any who shall die, or refuse, or neglect to serve, or be incapable of serving.

Proceedings where there are conflicting claimants.

§ 24. If, at any time, after an attempt to acquire title by appraisal of damages or otherwise, it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect such title, in the same manner as if no appraisal had been made; and at any stage of such new proceedings, the court may authorize the corporation, if in possession, to continue in possession, and if not in possession to take possession, and use such real estate during the pendency and until the final conclusion of such new proceedings; and may stay all actions or proceedings against the company on account thereof, on such company paying into court a sufficient sum, or giving security, as the court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate may conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same.

Where title is defective.

§ 25. In case any title or interest in real estate required by any company formed under this act, for the purpose of its incorporation, shall be vested in any trustee not authorized to sell, release and convey the same, or in any infant, idiot, or person of unsound mind, the Supreme Court shall have power, by a summary proceeding on petition, to authorize and empower such trustee, or the general guardian or committee of such infant, idiot, or person of unsound mind, to sell and convey the same to such company, for the purposes of its incorporation, on such terms as may be just; and in case any such infant, idiot or person of unsound mind has no general guardian or committee, the said court may appoint a special guardian or committee for the purpose of making such sale, release or conveyance, and may require such security from such general or special guardian or committee as said court may deem proper. Put before any conveyance or release authorized by this section shall be executed, the terms on which the same is to be executed shall be reported to the court, on oath; and if the court is satisfied that such terms are just to the party interested in such real estate, the court shall confirm the report, and direct the proper conveyance or release to be executed, which shall have the same effect as if executed by an owner of said land having legal power to sell and convey the same.

Where title to real estate is vested in trustee.

§ 26. Every corporation formed under this act shall have power :

Powers.

1. To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of its railroad; but the real estate received by

voluntary grant shall be held and used for the purposes of such grant only.

2. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its railroad, and the stations and other accommodations necessary to accomplish the objects of its incorporation ; but nothing herein contained shall be held as repealing, or in any way affecting the act entitled "An act authorizing the construction of railroads upon Indian lands," passed May twelve, eighteen hundred and thirty-six.

3. To cross, intersect, join and unite its railroad with any other railroad before constructed at any point on its route, and upon the grounds of such other railroad company, with the necessary turnouts, sidings and switches, and other conveniences in furtherance of the objects of its connections. And every company whose railroad is or shall be hereafter intersected by any new railroad shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid ; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined by commissioners, to be appointed by the court as is provided in this act in respect to acquiring title to real estate.

4. To take and convey persons and property on their railroad by the power or force of steam or by any motor other than animal power, and to receive compensation therefor.

5. To enter upon and underneath the several streets, avenues, public places and lands designated by the said commissioners, and enter into and upon the soil of the same ; to construct, maintain, operate, and use in accordance with the plan adopted by said commissioners, a railway or railways upon the route or routes and to the points decided upon, and to secure the necessary foundations and erect the columns, piers and other structures which may be required to secure safety and stability in the construction and maintenance of the railways constructed upon the plan adopted by the said commissioners and for operating the same ; excepting that nothing in this act shall authorize the construction of a railway crossing the track of any steam railway now in actual operation at the grade thereof, or the erection of piers or supports for any elevated railway upon a railway track now actually in use in any street or avenue ; and it shall be lawful to make such excavations and openings along the route through which such railway or railways shall be constructed as shall be necessary from time to time ; in all cases the surface of said streets around such foundations, piers and columns shall be restored to the condition in which they were before such excavations were made, as near as may be, and shall avoid any interference with or change in the water-mains, or in the sewers or lamp-posts, except such changes as may be made with the concurrence of the proper department or authority ; and in all cases the use of the streets, avenues, places and lands designated by the said commissioners and the right of way through the same for the purpose of a railway or railways as herein authorized and provided, shall be considered, and is hereby declared to be a public use, consistent with the uses for which the roads, streets, avenues and public places are publicly held ; but no such corporation shall have the right to acquire the use or occupancy of public parks or squares in such county, or the use or occupancy of any of the streets or avenues, except such as may have been designated for the route or routes of such railway, and except

such temporary privileges as the proper authorities may grant to such corporations to facilitate such construction.

6. From time to time to borrow such sums of money as may be necessary for completing and finishing or operating their railroad, and to issue and dispose of their bonds for any amount so borrowed, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the company for the purposes aforesaid; and the directors of the company may confer on any holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond under such regulations as the directors may see fit to adopt.

§ 27. Every conductor, baggage-master, engineer, brakeman, or other servant of any railroad corporation employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. No conductor or collector, without such badge, shall be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office; and no officer or servant without such badge shall have authority to meddle or interfere with any passenger, his baggage or property.

Employees
to wear
badge.

§ 28. Any such corporation shall, when applied to by the Postmaster-General, convey the mails of the United States on their road or roads respectively; and in case such corporations shall not agree as to the rate of transportation therefor, and as to the time, rate of speed, manner and condition of carrying the same, it shall be lawful for the Governor of this State to appoint three commissioners, who, or a majority of them, after fifteen days' notice in writing of the time and place of meeting to the corporation, shall determine and fix the prices, terms and conditions aforesaid; but such price shall not be less for carrying said mails in the regular passenger trains, than the amount which such corporation would receive as freight on a like weight of merchandise transported in their merchandise trains, and a fair compensation for the post-office car. And in case the Postmaster-General shall require the mail to be carried at other hours, or at a higher speed than the passenger trains are run, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the service, to be fixed as aforesaid.

To convey
mails.

§ 29. If any passenger shall refuse to pay his fare, it shall be lawful for the conductor of the train and the servants of the corporation to put him and his baggage out of the cars, using no unnecessary force, at any usual stopping place, or near any dwelling-house, as the conductor shall elect, on stopping the train.

Ejection
of passen-
gers.

§ 30. Every such corporation shall start and run their cars for the transportation of passengers and property, at regular times, to be fixed by public notice; and shall furnish sufficient accommodations for the transportation of all such passengers and property, as shall, within a reasonable time previous thereto, be offered for transportation at the place of starting and the junctions of other railroads, and at usual stopping places established for receiving and discharging way passengers and freight for that train; and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of the freight or fare legally authorized therefor; and shall be liable to the party aggrieved, in an action for damages, for any neglect or refusal in the premises.

To run
trains at
regular
times and
to furnish
sufficient
accommoda-
tions.

Intoxication of employees.

§ 31. If any person shall while in charge of a locomotive engine running upon the railroad of any such corporation, or while acting as the conductor of a car or train of cars on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor.

Willful injury to property

§ 32. If any person or persons shall willfully do, or cause to be done any acts or act whatever, whereby any building, construction or work of any railroad corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offense.

Penalties, how recovered.

§ 33. All penalties imposed by this act may be sued for in the name of the People of the State of New York; and if such penalty be for a sum not exceeding one hundred dollars, then such suit may be brought before a justice of the peace, and may be commenced by serving a summons on any director of such company.

Legislature may dissolve company.

§ 34. The Legislature may at any time annul or dissolve any incorporation formed under this act; but such dissolution shall not take away or impair any remedy given against any such corporation, its stockholders or officers for any liability which shall have been previously incurred.

Where route crosses horse railroad track.

§ 35. Whenever the route selected by the said commissioners for the construction of said railway shall intersect, cross or coincide with any horse railway track occupying the surface of said streets or avenues, the said railway corporation is hereby authorized to remove, for the purpose of constructing the said work, the tracks of said horse railways; but the same shall be done in such manner as to interfere as little as possible with their practical operation or working, and upon the construction of said railway, where such removals or changes have been made, the same shall be restored as near as may be to the condition in which they were previous to the construction of said railroad. All such removals and restorations shall be made at the proper cost and charges of the said corporation. Nothing contained in this act shall authorize any corporation formed thereunder to use the tracks of any horse railway.

Where route coincides with another route.
70 N. Y. 361;
S. C., 3 Abb.
N. C. 434;
aff'g 9 Hun,
303; 70 N. Y.
327; S. C., 3
Abb. N. C.
401; aff'g 7
Hun, 239,
78 N. Y. 624,
3 Abb. N.
C. 372.
**Elevated
railways.**

§ 36. Whenever the route or routes determined upon by said commissioners coincide with the route or routes covered by the charter of an existing corporation formed for the purpose provided for by this act, provided that said corporation has not forfeited its charter or failed to comply with the provisions thereof, requiring the construction of a road or roads within the time prescribed by its charter, such corporation shall have the like power to construct and operate such railway or railways, upon fulfillment of the requirements and conditions imposed by said commissioners as a corporation specially formed under this act; and the said commissioners may fix and determine the route or routes by which any elevated steam railway or railways now in actual operation may connect with other steam railways or the depots thereof, or with steam ferries; upon fulfillment by such elevated steam railway company, so far as it relates to such connection, of such of the requirements and conditions imposed by said commissioners under section four of this act, as are necessary to be fulfilled in such cases, under section eighteen of article three of the Constitution of this State, and such connecting elevated railway shall in such case possess all the powers conferred by section twenty-six of

this act; and when any connecting route or routes shall be so designated, such elevated railway company may construct such connection, with all the rights, and with like effect as though the same had been a part of the original route of such railway.

§ 37. Within one month after such corporation shall have been formed and organized in the manner hereinbefore provided, the said commissioners shall transfer and deliver to the said corporation all plans, specifications, drawings, maps, books and papers in their possession. And the said commissioners shall, within the like period of one month after the organization of such corporation, cause to be paid to the treasurer thereof all money collected under the provisions of this act, after deducting therefrom the necessary expenses incurred by said commissioners and the amounts due or to accrue to them for their salaries.

Commissioners to transfer plans, etc., to corporation.

§ 38. Each of said commissioners shall be paid for his services at the rate of ten dollars per day for each day of actual service as such commissioner, to be paid by such corporation, but if a sufficient amount of capital stock shall not be subscribed within one year after the appointment of such commissioners to authorize the formation of such corporation, the said commissioners shall receive no salary, and shall cause to be returned to the subscribers for said stock the amounts paid in by them, after deducting therefrom the necessary expenses incurred by said commissioners; provided, however, that the time, if any, unavoidably consumed by the pendency of legal proceedings shall not be deemed a part of any period or time limited in this act.

Pay of commissioners.

§ 39. A majority of the said commissioners shall be deemed and considered sufficient for the transaction of any business, or for the exercise of any of the duties, powers or functions hereby conferred or enjoined upon them. Any of said commissioners may be removed for cause at any time by the power appointing him, but no commissioner shall be removed without due notice and an opportunity of being heard in defense; and no commissioner thus removed shall be again appointed to the office of commissioner. In case of the death, resignation or removal from office of any of the said commissioners, the vacancy shall be filled, within thirty days from such death, resignation or removal, by the power appointing him, and a certificate of such appointment shall be filed as aforesaid. And the terms of office of the said commissioners shall determine and expire with the performance of their functions as herein prescribed.

Commissioners.

§ 40. This act shall not be construed to repeal or in any manner to affect chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," or the several acts amendatory thereof or supplementary thereto. None of the provisions of this act shall apply to any railroad company organized under any general or special law of this State, for the purpose of constructing or operating a steam railroad upon the surface of the ground, nor to the operation or management of any such railroad heretofore constructed.

Limitations of act.

§ 41. It shall not be lawful for any company organized under the provisions of this act, or under any other act heretofore passed, to construct a steam railway upon St. Nicholas avenue, in the city of New York, or those streets or avenues in said city commonly known as boulevards, except to cross the same, under such regulations as shall be imposed by the commissioners provided for by this act, and every such company shall be bound by the restrictions and limitations as to its

route and as to its mode of construction, which shall be established by the commissioners appointed under the acts from which its powers were derived, as far as such restrictions and limitations are consistent with the provisions of this act. The provisions of this section shall not be deemed to apply to any existing horse street railway heretofore authorized to be constructed.

§ 42. This act shall take effect immediately.

See 18 Hun, 378; 20 id. 26.

CHAP. 611.

Corpora-
tions.

See Laws
1878, ch.
324, post.

AN ACT to provide for the organization and regulation of certain business corporations.

- PASSED June 21, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

For what
purposes.

SECTION 1. Corporations may be organized under the provisions of this act for the carrying on of any lawful business except banking, insurance, the construction and operation of railroads or aiding in the construction thereof, and the business of savings banks, trust companies or corporations intended to derive profit from the loan or use of money, or safe deposit companies, including the renting of safes in burglar and fire-proof vaults.

General
powers.

§ 2. When so organized, every such corporation shall possess the following general powers:

1. To have succession by its corporate name for the period limited in its certificate of incorporation.

2. To sue and be sued; to complain and defend in any court.

3. To make and use a common seal and alter the same at pleasure.

4. To appoint such subordinate officers and agents as the business of the corporation shall require, and its by-laws shall provide for.

5. To make by-laws for the management of its property, the regulation of its affairs, for the transfer of its stock and defining the duties of its officers, and from time to time to amend the same.

6. To purchase, hold, and possess so much real and personal estate as shall be necessary for the transaction of its business, and sell and convey the same when not required for the uses of the corporation; provided, however, that all real estate acquired in satisfaction of any liability or indebtedness, unless the same be necessary and suitable for the uses and business of the corporation, shall be sold within three years after becoming the property of such corporation, but such time may be extended to a period not exceeding five years in all, by an order of the Supreme Court made in the district in which the principal business office of such corporation is located, on the verified petition of such corporation, stating the reasons for such extension.

Certificate
of incor-
poration.

§ 3. Whenever five or more persons, a majority of whom shall be citizens and residents of this State, shall propose to form a corporation under the provisions of this act, they shall make a certificate to that effect, which certificate shall be signed by each of such persons and duly acknowledged by them before some officer authorized to take acknowledgments under the laws of this State. Such certificate shall set forth:

1. The name of the proposed corporation.

2. The object for which it is to be formed, including the nature and locality of its business.

3. The amount and description of the capital stock.

4. The number of shares of which such capital stock shall consist.

5. The location of the principal business office.

6. The duration of the corporation, which, however, shall not exceed fifty years.

Secretary
of State.

§ 4. Such certificate shall be filed in the office of the Secretary of State; and the Secretary of State shall thereupon issue a license to

the persons making such certificate, empowering them as commissioners to open books for subscriptions to the capital stock of such corporation at such times and places as they may determine; but no license shall be issued in the case of a proposed corporation having the same name as an existing corporation in this State, or a name so nearly resembling that of an existing corporation as to be calculated to deceive.

to issue
license.

§ 5. Said commissioners shall proceed to open books for subscriptions to the capital stock of such corporation, and no such subscription shall be received, unless at the time of making it the person so subscribing shall pay to said commissioners ten per cent of the par value of the stock subscribed for in cash. When one-half of the capital stock has been subscribed, said commissioners shall call a meeting of the subscribers for the purpose of adopting by-laws for such corporation and electing directors thereof. Notice of such meeting shall be given to every subscriber by depositing in the post-office, properly addressed to his last known place of residence, and postage prepaid, at least five days before the time fixed, a written or printed notice, stating the time, place and object of such meeting.

Subscrip-
tions to
capital
stock.

Meeting of
subscrib-
ers.

§ 6. The by-laws of every corporation created under the provisions of this act shall be deemed and taken to be its law, and shall provide:

By-laws.

1. The number of directors of the corporation.
2. The term of office of such directors, which shall not exceed one year.

3. The manner of filling vacancies among directors and officers.
4. The time and place of the annual meeting.
5. The manner of calling and holding special meetings of the stockholders.

6. The number of stockholders who shall attend, either in person or by proxy, at every meeting, in order to constitute a quorum.

7. The officers of the corporation, the manner of their election by and among the directors, and their powers and duties. But such officers shall always include a president, a secretary and a treasurer.

8. The manner of electing or appointing inspectors of election.

9. The manner of amending the by-laws.

§ 7. Within ten days after the said subscribers' meeting, said commissioners shall file, in the office of the Secretary of State, a verified record of the proceedings thereof, containing a copy of the subscription list, a copy of the by-laws adopted, and the names of the directors chosen. Thereupon the Secretary of State shall issue to said directors a certificate, setting forth that said corporation is fully organized in accordance with this act. Such certificate shall include a copy of the original certificate provided for in section three of this act, the date and place of the subscribers' meeting, the names of the directors elected, and a statement that all the provisions of this act have been duly observed in the organization of such corporation. A copy of such certificate shall, within ten days after the issuing thereof by the Secretary of State, be filed in the office of the clerk of the county in which the principal business office of such corporation is situated. Such certificate shall be recorded at length in a book to be kept in the office of the Secretary of State, to be known as the record of incorporations, and also in a similar book in the office of the county clerk aforesaid. Such certificate or a copy thereof duly certified by the Secretary of State or his deputy, shall be presumptive evidence of the incorporation of the corporation named therein, in all courts and proceedings in this State. The Secretary of State shall receive for the filing and issuing

Record of
subscrib-
ers' meet-
ing to be
filed.

Certificate
of incor-
poration.

**Fees of
Secretary
of State.**

**Of county
clerk.**

**Amend-
ment of
by-laws.**

**Failure to
organize.**

**Secretary
of State to
publish
statement.**

Directors.

**Capital
stock.**

of all the necessary documents in and about the organization of a corporation under this act, the sum of ten dollars; and for each certified copy of certificate of incorporation, the sum of three dollars, which sum shall be paid into the Treasury of the State; and county clerks shall receive the fees now allowed by law. Upon every amendment of the by-laws of any such corporation, a copy of the amended by-law shall be filed in the office of the Secretary of State and of such county clerk, and shall not take effect until so filed; and a copy thereof, certified by the Secretary of State or his deputy, shall be received as presumptive evidence of such amended by-law in all courts and proceedings.

§ 8. Unless such corporation shall be fully organized as provided in the last preceding section, within one year after the issuing of the license to commissioners to open books, such license shall be deemed to be revoked, and all proceedings thereunder shall be void.

§ 9. The Secretary of State shall publish, as an appendix to the session laws of each year, a statement of all the corporations organized under this act during the preceding year, containing in each case the name of the corporation, its principal business, the location of its principal business office, the amount of capital stock, the date of the filing of the preliminary certificate and of the granting of the final certificate of incorporation by the Secretary of State; and any change of location or capital of any such corporation made during the preceding year.

§ 10. The business of every corporation created hereunder shall be managed by a board of directors (the members of which, at their election and throughout their term of office, shall be stockholders in such corporation to at least the extent of five shares, and shall hold their offices until their successors are chosen), and by such officers to be elected by and from among said directors, as the by-laws shall prescribe. The number of directors shall be not less than five nor more than thirteen; and the number thereof may be changed by a meeting of the owners of a majority of the whole amount of the stock of any corporation, and pursuant to notice specifying the purpose of such meeting and served as provided in section five of this act, in person or by attorney, duly authorized, shall be necessary to such change. A majority of the whole number of directors shall be necessary to constitute a quorum. The secretary shall record all the votes of the corporation and the minutes of its transactions in a book to be kept for that purpose. The treasurer shall give bonds in such sums and with such sureties as are required by the by-laws for the faithful discharge of his duties.

§ 11. The capital stock of every corporation formed under this act shall be divided into shares of not less than twenty-five dollars nor more than one hundred dollars each; and shall in no case exceed two million dollars. All subscriptions therefor shall be made payable to the corporation in such installments and at such time or times as shall be fixed by the by-laws or by the directors acting under the by-laws; and if default be made in any payment an action may be maintained in the name of the corporation to recover any installment which shall remain due and unpaid for the period of thirty days after the time so fixed for the payment thereof; and no stockholder shall be entitled to vote at any election or at any meeting of the stockholders on whose share or shares any installments or arrearages may have been due and unpaid for the period of thirty days immediately preceding such election or meeting. The corporation may by by-law prescribe other pen-

alties for a failure to pay the installments that from time to time become due, not exceeding forfeiture of the stock, and the amount paid thereon, but no such forfeiture shall be declared against any stockholder before demand shall have been made for the amount due thereon either in person or by a written or printed notice duly mailed to such stockholder, at his last known place of residence, at least thirty days prior to the time when such forfeiture is to take effect, and provided further, that upon such forfeiture the shares of stock held by such delinquent stockholder or subscriber shall be sold at public auction at the office of said corporation, after ten days' notice thereof shall be conspicuously posted up in said office, and the proceeds of such sale, over and above the amount due on said shares, and after deducting the expenses of such sale, if any, shall be paid to the delinquent stockholder or subscriber.

§ 12. The directors of such corporation shall prepare certificates of stock, and shall deliver them, signed by the president and treasurer and sealed with the seal of the corporation, to each person entitled to receive the same, according to the number of shares held, which certificates of stock shall be transferable at the pleasure of the holder, in person or by attorney duly authorized, subject, however, to all payments due or to become due thereon; and the assignee to whom the same has been so transferred shall be a member of said corporation, and have and enjoy all the immunities, privileges and franchises, and be subject to all the liabilities, conditions and penalties incident thereto, in the same manner as the original holder would have been; but no certificate shall be transferred so long as the holder thereof is indebted to such corporation unless the board of directors shall consent thereto.

Certificate
of stock.

§ 13. It shall be lawful for all such corporations to borrow money for the legitimate purposes of such corporation, and for such purpose to issue bonds with or without coupons attached thereto, and bearing interest not exceeding seven per cent per annum; but the amount of such bonds outstanding at any one time shall not exceed one-half of the value of the corporate property of such corporation. Any issue of bonds beyond the amount herein specified shall render every director voting for the same personally liable to any bondholder for any damage caused by such over-issue to such bondholder.

May
borrow
money.

§ 14. No corporation organized under this act shall issue either stock or bonds except for money, labor done, or property actually received for the use and legitimate purposes of such corporation at its fair value, and all fictitious increase of stock or indebtedness in any form shall be void.

Issue of
stock.

§ 15. The capital stock of any corporation organized under this act may be increased to an amount not to exceed in the aggregate two millions dollars, or reduced by a vote of a majority of the stockholders in number, and representing a majority of the stock of such corporation, at any meeting thereof convened for that purpose, pursuant to notice thereof specifying the object of such meeting, and served pursuant to the provisions of section five. A statement of such increase or reduction shall be filed in the office of the Secretary of State, and of the clerk of the county in which the principal business office of such corporation is situated, within ten days after such action. But before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts

Increase or
decrease
of capital
stock.

Confirmation of report.

§ 21. On such report being made by said commissioners, the company shall give notice to the parties, or their attorneys, to be affected by the proceedings, according to the rules and practice of said court, at a general or special term thereof, for the confirmation of such report; and the court shall thereupon confirm such report and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate appraised for which compensation is to be made; and shall also direct to whom the money is to be paid, or in what bank, and in what manner it shall be deposited by the company.

Order to be recovered.

Company to have title on payment of award, etc.

§ 22. A certified copy of the order so to be made, as aforesaid, shall be recorded at full length in the clerk's office of the county in which the land described in it is situated; and thereupon, and on the payment or deposit by the company of the sums to be paid as compensation for the land, and for costs, expenses and counsel fees as aforesaid, and as directed by said order, with interest from the date thereof, the company shall be entitled to enter upon, take possession of and use the said land for the purpose of its incorporation, during the continuance of its corporate existence, by virtue of this or any other act; and all persons who have been made parties to the proceedings shall be divested and barred of all right, estate and interest in such real estate, during the corporate existence of the company as aforesaid. If the company shall neglect to have such order recorded, and to make the payment or deposit as herein provided, for the period of ten days after the date of such order, any party to such proceedings, and interested therein may, at his election, cause a certified copy of the said order to be recorded as aforesaid, and thereupon the moneys therein directed to be paid, with interest thereon from the date of said order, shall be a debt against the company, and the same shall be a lien on such real estate, and may be enforced and collected by action at law or in equity in the Supreme Court, with costs. All real estate acquired by any company under and pursuant to the provisions of this act, for the purposes of its incorporation, shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the commissioners, as provided for in the twenty-first section of this act, either party may appeal, by notice in writing to the other, to the Supreme Court, from the appraisal and report of the commissioners. Such appeal shall be heard by the Supreme Court at any general or special term thereof, on such notice thereof being given according to the rules and practice of said court. On the hearing of such appeal, the court may direct a new appraisal, before the same or new commissioners, in its discretion; the second report shall be final and conclusive on all the parties interested. If the amount of the compensation to be made by the company is increased by the second report, the difference shall be a lien on the land appraised, and shall be paid by the company to the parties entitled to the same, or shall be deposited in the bank, as the court shall direct; and if the amount is diminished, the difference shall be refunded to the company by the party to whom the same may have been paid; and judgment therefor may be rendered by the court, on the filing of the second report, against the party liable to pay the same. Such appeal shall not affect the possession by such company of the land appraised; and when the same is made by others than the company it shall not be heard, except on a stipulation of the party appealing not to disturb such possession.

Appeals.

§ 23. If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid into said court by the company, and may determine who is entitled to the same, and direct to whom the same shall be paid; and may, in its discretion, order a reference to ascertain the facts on which such determination and order are to be made. The court shall appoint some competent attorney to appear for, and protect the rights of any party in interest who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent. The court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary; or to cause new parties to be added, and to direct such further notices to be given to any party in interest, as it deems proper; and also to appoint other commissioners in place of any who shall die, or refuse, or neglect to serve, or be incapable of serving.

Proceedings where there are conflicting claimants.

§ 24. If, at any time, after an attempt to acquire title by appraisal of damages or otherwise, it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect such title, in the same manner as if no appraisal had been made; and at any stage of such new proceedings, the court may authorize the corporation, if in possession, to continue in possession, and if not in possession to take possession, and use such real estate during the pendency and until the final conclusion of such new proceedings; and may stay all actions or proceedings against the company on account thereof, on such company paying into court a sufficient sum, or giving security, as the court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate may conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same.

Where title is defective.

§ 25. In case any title or interest in real estate required by any company formed under this act, for the purpose of its incorporation, shall be vested in any trustee not authorized to sell, release and convey the same, or in any infant, idiot, or person of unsound mind, the Supreme Court shall have power, by a summary proceeding on petition, to authorize and empower such trustee, or the general guardian or committee of such infant, idiot, or person of unsound mind, to sell and convey the same to such company, for the purposes of its incorporation, on such terms as may be just; and in case any such infant, idiot or person of unsound mind has no general guardian or committee, the said court may appoint a special guardian or committee for the purpose of making such sale, release or conveyance, and may require such security from such general or special guardian or committee as said court may deem proper. Put before any conveyance or release authorized by this section shall be executed, the terms on which the same is to be executed shall be reported to the court, on oath; and if the court is satisfied that such terms are just to the party interested in such real estate, the court shall confirm the report, and direct the proper conveyance or release to be executed, which shall have the same effect as if executed by an owner of said land having legal power to sell and convey the same.

Where title to real estate is vested in trustee.

§ 26. Every corporation formed under this act shall have power :
1. To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of its railroad; but the real estate received by

Powers.

holder's
liability.

is not to be paid within two years from the time the debt is contracted, nor unless an action for the collection of such debt shall be brought against such corporation within two years after the debt shall become due; and no action shall be brought against any stockholder who shall cease to be a stockholder in any such corporation for any debt so contracted, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder in such corporation.

Annual
election of
directors.

§ 26. The annual elections of directors shall be held at such time and place as shall be designated by the by-laws of the corporation, and public notice of such time and place shall be published, not less than ten days previous thereto, in a newspaper published in a city or town in which the principal business office of the corporation is situated, if a newspaper be published therein, and otherwise in the newspaper published nearest to said office; and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. No person shall be permitted to vote upon the proxy of a stockholder in any such corporation after the lapse of eleven months from the date thereof, unless the stockholder shall have specified therein that it is to continue in force for some longer and limited time. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as shall equal the number of his shares multiplied by the number of directors to be elected and he may distribute his votes among those to be voted for as he sees fit; and the persons receiving the greatest number of votes shall be directors, and when any vacancy shall occur among the directors by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the by-laws of the said corporation.

Failure of
election.

§ 27. In case it shall happen at any time that an election of directors shall not be made on the day designated by the by-laws of said corporation, when it ought to have been made, the corporation, for that reason, shall not be dissolved, but it shall be lawful, on any other day within three months thereafter, to hold an election for directors, upon service of notice upon the stockholders thereof respectively in the manner provided in section five of this act; and all acts of directors shall be valid and binding as against such corporation until their successors shall be elected.

Inspectors
of election.

§ 28. Every person acting as an inspector of election in any such corporation shall, before entering upon the duties of his office, take and subscribe an oath or affirmation before some officer authorized to administer the same, that he will discharge the duties of his office with fidelity, and that he will not receive any vote but such as he believes to be legal, nor reject any which he believes to be legal; and if any such inspector shall violate this oath or affirmation, he shall be subject to all the penalties imposed by law upon inspectors of General State elections in this State violating their duty, and shall be proceeded against in like manner and with like effect.

Duration
of corporate
existence.

§ 29. Whenever any corporation organized under this act has fixed the duration of its corporate existence for a less period than fifty years, it may, at any time, extend the term of its existence beyond the time mentioned in the original certificate of incorporation by the consent of the stockholders owning two-thirds in amount of the capital stock of such corporation, in and by a certificate to be signed by such stockholders, in person or by attorney duly authorized and acknowledged or proved, so as to enable it to be recorded, which certificate shall be filed in the office of the Secretary of State; and of the clerk of the

county in which the principal business office of such corporation is situated, and the said Secretary of State, and the county clerk respectively upon such filing, shall record the same in the record of corporations kept in his office, and make a memorandum of such record in the margin of the original certificate in such record book; and thereupon the time of existence of such corporation shall be extended, as designated in such certificate, for a term which, with the term originally fixed, will not exceed fifty years.

§ 30. Every corporation organized under this act shall be taxed on all of its property, except its real estate, in the town, city or village where its principal business office is situated, and on its real estate in the town, city or village where such real estate is situated shall be taxed therein.

§ 31. Such corporation may change its principal place of business by the consent of the stockholders owning two-thirds in amount of the capital stock of such corporation, in and by a certificate to be signed by such stockholders in person or by attorney duly authorized and acknowledged or proved, which certificate shall be filed in the office of the Secretary of State, and of the clerk of the county in which the principal business office of such corporation is situated; and the Secretary of State and county clerk respectively shall, upon such filing, record the same in the record of corporations kept in his office, and make a memorandum of such record in the margin of the record of the original certificate recorded in such office, and thereupon the principal business office of such corporation shall be deemed to be changed as stated in said certificate.

§ 32. Any existing business corporation, heretofore organized under the general laws of this State, or by special charter, may come under and avail itself of the privileges and provisions of this act, by complying with the following provisions: The directors of such corporation shall publish a notice signed by at least a majority of them, in a newspaper in the county in which the principal business office thereof is situated, for at least three successive weeks, and to deposit a written or printed copy thereof in the post-office, postage prepaid, addressed to each stockholder at his last known place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of the meeting, and the time and place when and where such meeting shall be held. At the time and place specified in the notice, the stockholders shall organize by choosing one of the directors chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present, in person or by proxy; and, if votes representing a majority of all the stock of the company shall be given in favor of availing itself of the provisions of this act, the said officers shall make a certificate of the proceedings showing a compliance therewith, duly acknowledged, and stating:

1. The name of the corporation,
2. The object for which it is formed, including the nature and locality of its business,
3. The amount and description of the capital stock,
4. The number of shares of which such capital stock consists,
5. The location of the principal business office,
6. The duration of the corporation, which, however, shall not exceed fifty years,
7. The names of directors; which certificate, with a copy of the by-laws of such corporation, shall be filed in the office of the Secretary of State, and of the clerk of the county in which the principal business office of such corporation is situated. From the time of such filing

Taxes.

Change of
place of
business.

Existing
corpora-
tions.
Amended
1880, ch.
187, post,
p. 943.

such corporation shall be deemed to be a corporation organized under this act; but no such change or proceedings shall in any way affect the existing liabilities of the corporation so availing itself of the provisions of this act.

Classifica-
tion of
corpora-
tions.

§ 33. The corporations formed under this act shall be of two classes, to be known respectively, as:

1. Full liability companies.
2. Limited liability companies.

Full
liability
compa-
nies.

§ 34. In full "liability companies," all the stockholders shall be severally individually liable to the creditors of the company in which they are stockholders, for all debts and liabilities of such company, and may be joined as defendants in any action against the company. No execution shall issue against any stockholder individually, until execution has been issued against the company and been returned unsatisfied; and whenever a judgment shall be recovered against a stockholder individually, all the stockholders shall contribute a proportionate share of the amount paid by such stockholder on such judgment, proportioned to the number of shares of stock owned by each of such stockholders, and such stockholder shall have a right of action against the other stockholders in such corporation jointly or severally, to recover from them, and each of them, the proper portion due by them and each of them of the amount so paid on such judgment.

Limited
liability
compa-
nies.

§ 35. In "limited liability companies," the name of the company shall in every case have as its last word, the word "limited," and every such corporation shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the company is carried on, in a conspicuous position in letters easily legible, and shall have its full name stated in legible characters in all notices, advertisements, and other official publications of such company, and in all its bills of exchange, promissory notes, checks, orders for money, bills of lading, invoices, receipts, letters, and other writings used in the transaction of the business of the corporation.

Omission
of word
"limited."

§ 36. Every omission of the word "limited" in the use of the name of such company shall render each and every officer or director in such company personally liable for any indebtedness, damage or liability incurred during such omission. If any limited liability company under this act does not paint or affix, and keep painted or affixed its name, in the manner above set forth, it shall be liable to a penalty of not exceeding twenty-five dollars for such omission, for every day during which such name is not so kept painted or affixed; and every director or officer of such company who shall authorize or permit such omission shall be liable to a like penalty; and if any director or officer of such company, or any person on its behalf, shall use or authorize the use of any seal purporting to be a seal of the company on which its name is not so engraved as aforesaid, or shall use or authorize the issue of any notice, advertisement or other official publication of such company, or shall sign or authorize to be signed on behalf of such company any bill of exchange, promissory note, indorsement, check, order for money or goods, invoice, bill, receipt, letter of credit or other writing of the company wherein its name is not mentioned as aforesaid, he shall be liable to a penalty of one hundred dollars. The penalties in this section provided shall be sued for in the name of the People of the State of New York by the district attorney of the county in which the principal office of such corporation is located, and the amounts recovered shall be paid over to the proper authorities for the support of the poor of such county.

§ 37. In limited liability companies, all the stockholders shall be severally individually liable to the creditors of the company in which they are stockholders, to an amount equal to the amount of stock held by them, respectively, for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by such company has been paid in, and a certificate thereof has been made and recorded as hereinafter prescribed. The term stockholder as used herein shall apply, not only to such persons as appear by the books of the corporation or association to be such, but also to every equitable owner of stock, although the same may appear on such books in the name of another person, and also to every person who shall have advanced the installments or purchase-money of any stock in the name of any person under twenty-one years of age, and while such person remains a minor to the extent of such advance; and also to every guardian or other trustee who shall voluntarily invest any trust funds in such stock; and no trust funds in the hands of such guardian or trustee shall be in any way liable under the provisions of this act by reason of any such investment, nor shall the person for whose benefit any such investment may be made be responsible in respect to such stock until thirty days after the time when such persons respectively become competent and able to control and dispose of the same; but the guardian or other trustee making such investment as aforesaid shall continue responsible as a stockholder until such responsibility devolves upon the person beneficially interested therein; and in respect to stock held by a guardian or other trustee under a transfer of the same by a third person, or under positive directions by a third person for such investment, the person making such transfer or giving such directions, and his executors and administrators shall, for the purposes of this act, be deemed a stockholder; and the estate of such person, if he be deceased, shall be responsible for the debts and liabilities chargeable on such stock, according to the provisions of this act. No execution shall issue against any stockholder individually, until execution has been issued against the corporation and returned unsatisfied; and whenever a judgment shall be recovered against a stockholder individually, all the stockholders shall contribute a proportionate share of the amount paid by such stockholder on such judgment proportioned to the number of shares of stock owned by each of such stockholders, and such stockholder shall have a right of action against the other stockholders in such corporation, jointly or severally, to recover from them, and each of them, the proportion due by them and each of them of the amount so paid on such judgment. The capital stock of every such limited liability company shall be paid in, one-half thereof within one year, and the other half thereof within two years from the incorporation of said company, or such corporation shall be dissolved. The directors of every such company, within thirty days after the payment of the last installment of the capital stock, shall make a certificate stating the amount of the capital so paid in, which certificate shall be signed and sworn to by the president and a majority of the directors; and they shall, within the said thirty days, record the same in the office of the Secretary of State, and of the county in which the principal business office of such corporation is situated.

§ 38. The dissolution, for any cause whatever, of any corporation created as aforesaid shall not take away or impair any remedy given against such corporation, its stockholders or officers, for any liabilities incurred previous to its dissolution.

Liability of stockholder in limited company.

Definition of "stockholder."

Execution.

Capital stock.

Dissolution not to impair liability.

CHAP. 613.

Safe deposit companies.

AN ACT to authorize the formation of corporations for the safe-keeping and guarantying of personal property.

PASSED June 21, 1875; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Certificate of Incorporation. Amended 1877, ch. 10, post.

SECTION 1. At any time hereafter, any five or more persons who may desire to form a company for the purpose of taking and receiving upon deposit as bailee for safe-keeping and storage, jewelry, plate, money, specie, bullion, stocks, bonds, securities and valuable papers of any kind, and other valuables, and guarantying their safety upon such terms and for such compensation as may be agreed on by such company and the respective bailors thereof, and to let out vaults and safes and other receptacles for the uses and purposes of such corporation, may make, sign and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the business of the corporation shall be carried on, and duplicates thereof in the office of the Secretary of State and in the Banking Department of the State, a certificate in writing, in which shall be stated the corporate name of the said corporation, which shall be in no material respect similar to the name of any other corporation organized and engaged in the business of receiving valuables on deposit for safe-keeping, for hire, or of letting out safes, and doing business in the same or an adjoining county, and the objects for which the corporation shall be formed, the amount of the capital stock of the said corporation (which shall not be less than one hundred thousand dollars, nor exceeding one million dollars), and in no case shall the paid in capital stock be less than one hundred thousand dollars, the term of its existence not to exceed fifty years, the number of shares of which the said stock shall consist, the number of trustees and their names, residence, occupation and post-office address, who shall manage the concerns of said corporation for the first year, and the name of the place in which the operations of the said corporation are to be carried on. But the capital stock of any corporation organized under this act may be increased to an amount, not to exceed one million dollars, by the board of trustees, on application, in writing, signed by the stockholders representing a majority of the stock. A statement of such increase shall be filed in the offices as aforesaid.

Powers and duties.

§ 2. When the certificate shall have been filed, as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in such certificate, and by that name have succession, and shall be capable of suing and being sued in any of the courts of this State, and they and their successors may have a common seal, and may make and alter the same at pleasure, and they shall by their corporate name be capable in law of leasing, purchasing, holding and conveying any real and personal estate whatever, which may be necessary to enable the said corporation to carry on its operations named in such certificate; but nothing in this act contained shall be construed to allow the said corporation to make any loan or advance upon any property left with it on storage, or for safe-keeping.

§ 3. The stock, property and concerns of such corporation shall be managed by not less than five nor more than thirteen trustees, who shall respectively be stockholders of such company and citizens of the United States, and a majority of whom shall be citizens of this State, who shall, except for the first year, be annually elected by the stockholders at such time and place as shall be directed by the by-laws of the company; and public notice of the time and place of holding such election shall be published not less than ten days previous thereto, in a newspaper printed in the town or city in which the operations of the said corporation shall be carried on, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the said corporation, and the persons receiving the greatest number of votes shall be declared to be elected trustees, and when any vacancy shall happen among the trustees by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the by-laws of the said corporation. No person shall be permitted to vote upon the proxy of a stockholder in any such corporation after the lapse of eleven months from the date thereof, unless the stockholder shall have specified therein that it is to continue in force for some longer and limited time.

Trustees.

Election of.

§ 4. In case it shall happen at any time that an election of trustees shall not be made on the day designated by the by-laws of said company, the corporation for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for trustees, in such manner as shall be provided for by the said by-laws; and all acts of trustees shall be valid and binding as against such corporation until their successors shall be elected.

Failure to elect.

§ 5. There shall be a president of the corporation, who shall be designated from among the number of the trustees, and also such subordinate officers as the corporation, by its by-laws, may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their offices, as the corporation by its by-laws may require.

Officers.

§ 6. It shall be lawful for the trustees to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such payments or installments as the trustees shall deem proper, under the penalty of forfeiture of the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a personal demand of the same, or notice requiring such payment shall have been published for six successive weeks in a newspaper printed in the city or town in which the business of the corporation shall be carried on as aforesaid, and a copy thereof mailed, postage prepaid to the last known place of residence. In case such demand shall have been made by publication, the sixty days shall commence to run from the last day of publication.

Call on stockholders.

§ 7. The trustees of such corporation shall have power to make such by-laws as they shall deem proper for the management, disposition of the stock, property and business affairs of such company, not inconsistent with the laws of this State and of the United States, and prescribing the duties of officers and servants that may be employed, the manner of the appointment and election of all officers, and for carrying on all kinds of business within the objects and purposes of said corporation.

By-laws.

Stock.

§ 8. The stock of such corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the corporation; but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for such corporation to use any of its funds in the purchase of any stock in any other corporation, or to hold the same, except as collateral security to a prior indebtedness.

Liability of stockholders.

§ 9. The stockholders of any corporation organized under the provisions of this act shall be jointly and severally liable for all debts that may be due and owing by said corporation, to an amount equal to the par value of their stock in said corporation, over and above such stock, to be recovered of the stockholders who are such when the debt is contracted or the loss or damage sustained, or of any subsequent stockholder; and any stockholder who may have paid any demand against such company, either voluntarily or by compulsion, shall have a right to resort to the rest of the stockholders who are liable to contribution. And the dissolution of such corporation shall not release or affect the liability of any stockholder which may have been incurred before such dissolution.

Report.

§ 10. Every corporation organized under the provisions of this act, and every corporation heretofore organized under the laws of this State, for purposes similar to those provided for in this act, shall semi-annually make a full report in writing of the affairs and conditions of such corporation at the close of business, on the last business days of June and December in each year, to the Superintendent of the Banking Department, verified by oath, in such form and by such officers of the said corporation as the said Superintendent may designate, which report shall be in place of any report which any such corporation may now be required to make to the Supreme Court, the Comptroller, or otherwise. Every such report shall be made within twenty days after the day to which it relates, and shall be in such form, and contain such statements, returns and information, as to the affairs, business, condition and resources of such corporation, as the said Superintendent may, from time to time, prescribe or require. And the said Superintendent may, if he be of opinion that it is desirable, require that a like report, either wholly or in part, as to the particulars aforesaid, be made to him at any time, by any such corporation aforesaid, within such period as he may designate.

Publication of report.

§ 11. The said Superintendent may, at any time, if he deem it to be expedient, cause any such statement, or any statement or report which may be made to him under the provisions of this act, or any part or any abstract thereof, to be published in the State paper for at least three times, the expense of which shall be paid by the corporation to whose affairs such report may relate.

Annual examination.

§ 12. It shall be the duty of the said Superintendent yearly, either personally or by some competent person, or persons, to be appointed by him, to visit and examine every corporation required by this act to report as aforesaid. The said Superintendent, and every such examiner, shall have power to administer an oath to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person for the purpose of such examination, by summons, subpoena or attachment, in the manner now authorized in respect to the attendance of persons as witnesses in the courts of record of this State; and all books and papers which it may be deemed necessary to examine by the Superintendent, or the exam-

iner or examiners, so appointed, shall be produced, and their production may be compelled in like manner. The expense of every such examination shall be paid by the corporation examined to such amount as the Superintendent shall determine, subject to an appeal to the Comptroller whose decision in the matter shall be final. Whenever such examination shall be made by the Superintendent personally, or by one or more of the regular clerks in his department, no charge shall be made on such examination, but for necessary traveling and other actual expenses.

§ 13. On every such examination, inquiry shall be made as to the condition and resources of the corporation generally, the mode of conducting and managing its affairs, the action of its directors or trustees, the investment of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its charter and of law have been complied with, in the administration of its affairs.

§ 14. If it shall appear to the said Superintendent, from any examination made by him, or from the report of any examination made to him, that any corporation has committed a violation of its charter or of law, or is conducting business in an unsafe or unauthorized manner, he shall, by an order under his hand and seal of office, addressed to such corporation, direct the discontinuance of such illegal or unsafe practices and conformity with the requirements of its charter and of law, and with safety and security in its transactions, and whenever any corporation shall refuse or neglect to make such report as is hereinbefore required, or to comply with any such order as aforesaid; or whenever it shall appear to the Superintendent that it is unsafe or inexpedient for any corporation to continue to transact business, he shall communicate the facts to the Attorney-General, who shall thereupon be authorized to institute such proceedings against any such corporation as are now, or may hereafter be, provided for by laws in the case of insolvent corporations, or such other proceedings as the nature of the case may require.

§ 15. This act shall take effect immediately.

Nature of examination.

Direction as to management of business.

CHAP. 630.

AN ACT in relation to the prepayment of the fees of sheriffs upon executions.

PASSED June 21, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fees provided by law to sheriffs upon executions for the receipt and return thereof shall be prepaid by the party issuing such execution to them, and in no case shall a sheriff be bound to execute the same without such prepayment, whenever the same shall be demanded by him.

§ 2. This act shall take effect immediately.

An attorney who issues an execution upon a judgment is liable for the sheriff's fees thereon. *Campbell v. Cothran*, 56 N. Y. 279.

Repealed by Laws 1880, ch. 245. See Co. Civ. Proc., § 3807, subd. 6.

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1956

CONCURRENT RESOLUTIONS

PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF NEW YORK.

CONCURRENT RESOLUTION

Proposing an amendment to section three, article five of the Constitution.

Resolved (if the Assembly concur), That section three of article five of the Constitution be amended so as to read as follows :

§ 3. A Superintendent of Public Works shall be appointed by the Governor by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals; and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor, whenever, in his judgment, the public interest shall so require; but, in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause of such removal, and shall report such removal, and the cause thereof, to the Legislature at its next session. The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled, for the remainder of the term for which he was appointed, by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to

CONCURRENT RESOLUTIONS.

the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him. The office of Canal Commissioner is abolished from and after the appointment and qualification of the Superintendent of Public Works, until which time the Canal Commissioners shall continue to discharge their duties as now provided by law. The Superintendent of Public Works shall perform all the duties of the Canal Commissioners, and board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature. The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the Senate.

Resolved (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity with section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK. }
In Senate, May 14, 1875. }

The foregoing resolution was duly passed, a majority of all the Senators elected voting in favor thereof.

By order of the Senate.

HENRY A. GLIDDEN, *Clerk.*

STATE OF NEW YORK. }
In Assembly, May 17, 1875. }

The foregoing resolution was concurred in, a majority of all the members elected to the Assembly voting in favor thereof.

By order of the Assembly.

HIRAM CALKINS, *Clerk.*

CONCURRENT RESOLUTION

Proposing an amendment to section four of article five of the Constitution.

Resolved (if the Assembly concur), That section four of article five of the Constitution be amended so as to read as follows:

§ 4. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years, unless sooner removed; he shall give security in such amount, and with such sureties, as shall be required by law, for the faithful discharge of his duties; he shall have the superintendence, management and control of State prisons, subject to such laws as now exist, or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which have heretofore been had and performed by the Inspectors of State Prisons; and from and after the time when such Superintendent of State Prisons shall have been appointed and qualified, the office of Inspector of State Prisons shall be and hereby is abolished. The Governor may remove the Superin-

tendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense.

Resolved (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity with section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK, }
In Senate, May 14, 1875. }

The foregoing resolution was duly passed,
a majority of all the Senators elected vot-
ing in favor thereof.

By order of the Senate.

HENRY A. GLIDDEN, *Clerk.*

STATE OF NEW YORK, }
In Assembly, May 17, 1875. }

The foregoing resolution was concurred
in, a majority of all the Members elected
to the Assembly voting in favor thereof.

By order of the Assembly.

HIRAM CALKINS, *Clerk.*

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE, } ss:

I have compared the preceding with the original Concurrent Resolutions on file in this office, and do hereby certify the same to be a correct transcript therefrom, and of the whole of said original Concurrent Resolutions.

Given under my hand and seal of office, at the city of Albany,
this twentieth day of July, in the year one thousand eight
[L. s.] hundred and seventy-five.

DIEDRICH WILLERS, JR.,
Secretary of State.

CONCURRENT RESOLUTION

Relative to conferring brevet commissions on officers of the
National Guard.

Resolved (if the Senate concur), That the Governor be and hereby is authorized to confer on any officers of the National Guard of the State of New York, below the rank of colonel, who shall have been ten years a member thereof, seven of which shall have been of service as a commissioned officer, a brevet commission, corresponding in rank to the grade next above the one actually held by said officer at the time of conferring such brevet commission; such brevet rank shall be honorary, and shall not entitle the person holding same to precedence in command, except by special assignment of commander-in-chief. Recommendations for promotion of such brevet ranks shall be made by the brigadier-generals for the officers of their respective brigades, indorsed by the commandant of their division, except in the case of a separate troop, battery or company attached to a division, which shall be made by the division commander.

STATE OF NEW YORK, }
In Assembly, May 19, 1875. }

The foregoing resolution was duly passed.
By order of the Assembly.

HIRAM CALKINS, *Clerk.*

STATE OF NEW YORK, }
In Senate, May 21, 1875. }

The foregoing resolution was duly passed.
By order of the Senate.

HENRY A. GLIDDEN, *Clerk.*

- CHAP. 15. An act to amend chapter one hundred and twenty-five of the laws of eighteen hundred and forty-two, entitled "An act to condense and amend the several acts relating to the village of Albion." Passed February 8, 1876; three-fifths being present.
- CHAP. 16. An act to prevent injury to animals in the city of New York. Passed February 8, 1876; three-fifths being present.
- CHAP. 17. An act to confirm the official acts of Walter H. Allen, a superintendent of the poor of the county of Seneca, and to enable him to take and file his oath of office. Passed February 9, 1876; three-fifths being present.
- CHAP. 18. An act in relation to the police court and justices' court of the city of Troy. Passed February 11, 1876; three fifths being present.
- CHAP. 19. An act to authorize the city of Newburgh to raise certain moneys, by tax, for the care and improvement of Washington's Head-quarters. Passed February 15, 1876; three-fifths being present.
- CHAP. 20. An act to authorize the village of Corning, Steuben county, to borrow money to pay its outstanding bonds issued pursuant to chapter three hundred and ninety-nine of the laws of eighteen hundred and seventy-one. Passed February 15, 1876; three-fifths being present.
- CHAP. 21. An act to authorize police justices and justices of the peace to take recognizance during trial or examination. Passed February 15, 1876.
- CHAP. 22. An act to confirm a certain deed made by the trustees of the La Fayette Avenue Presbyterian Church in the city of Brooklyn, to the trustees of the Fort Green Presbyterian Church in said city. Passed February 15, 1876.
- CHAP. 23. An act to confirm certain deeds made by the Border Mission Sabbath School of the city of Brooklyn, to the trustees of the La Fayette Avenue Presbyterian Church in the city of Brooklyn. Passed February 21, 1876.
- CHAP. 24. An act to alter the first and second judicial districts of the State as established by chapter two hundred and forty-one of the laws of eighteen hundred and forty-seven, entitled "An act to divide the State into judicial districts," so as to conform the same to the boundaries of the city of New York and of the county of Westchester as now constructed by law. Passed February 21, 1876; three-fifths being present.
- CHAP. 25. An act to legalize and confirm the official acts of the supervisor, town clerk and justices of the peace of the town of Madrid, in the county of St. Lawrence, during the year eighteen hundred and seventy-two, in issuing the bonds of said town to the amount of seven hundred and fifty dollars, for the purpose of completing the town hall in said town, and to legalize the vote of the electors of said town, at their annual town meeting in eighteen hundred and seventy-two, authorizing the issuing of said bonds. Passed February 21, 1876; three-fifths being present.
- CHAP. 26. An act to legalize and confirm the acts of Samuel H. Corwin, Abraham Van Nest Powellson, William H. Stoddard and Harrison Bull, justices of the peace of the town of Walkill, Orange county, and to enable them to file their official bonds. Passed February 21, 1876; three-fifths being present.
- CHAP. 27. An act further to amend chapter six hundred and eighty-one of the laws of eighteen hundred and seventy-three, entitled "An act to establish communication between Richmond county and New Jersey, incorporating the Tubular Transit Company of Staten Island." Passed February 21, 1876.
- CHAP. 28. An act to provide for an additional justice of the peace in the town of Onondaga, county of Onondaga. Passed February 21, 1876; three-fifths being present.
- CHAP. 29. An act to amend chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code." Passed February 28, 1876; three-fifths being present, and two-thirds of the members in each House present concurring therein.*
- CHAP. 30. An act to amend chapter five hundred and twenty of the laws of eighteen hundred and seventy, entitled "An act to establish and maintain a police force in the city of Troy," and to increase the powers and duties of the police commissioners of said city. Passed February 28, 1876; three-fifths being present.
- CHAP. 31. An act to release the interest of the People of the State of New York in certain real estate to Jasper Robertson. Passed February 28, 1876, by a two-third vote.

- CHAP. 32.** An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations, for the fiscal year ending September thirtieth, eighteen hundred and seventy-six. Passed February 28, 1876, by a two-third vote.
- CHAP. 33.** An act to fix the compensation of the overseer of the poor of the town of Rhinebeck in Dutchess county. Passed February 28, 1876; three-fifths being present.
- CHAP. 34.** An act to provide for the payment of a portion or the whole of the bounty debt of the county of Greene by issuing new bonds. Passed February 28, 1876; three-fifths being present.
- CHAP. 35.** An act to extend the time for the collection of taxes in the village of Edgewater, and for advertising the sale of lands for unpaid taxes in said village. Passed February 28, 1876; three-fifths being present.
- CHAP. 36.** An act to enable the electors of the town of Sherburne to vote upon the question of accepting a certain bequest. Passed February 28, 1876.
- CHAP. 37.** An act to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eight, eighteen hundred and sixty-one, and the various acts amendatory thereof or relating to the city of Rochester. Passed March 1, 1876; three-fifths being present.
- CHAP. 38.** An act to authorize the extension of the time for the collection of taxes in the several towns in the county of Cattaraugus. Passed March 2, 1876; three-fifths being present.
- CHAP. 39.** An act to extend the time for the collection of taxes in the county of Livingston. Passed March 2, 1876; three-fifths being present.
- CHAP. 40.** An act to amend an act entitled "An act to amend and consolidate the several acts relating to the village of Hornellsville," passed April ninth, eighteen hundred and sixty-seven, and the several acts amendatory thereof. Passed March 2, 1876; three-fifths being present.
- CHAP. 41.** An act to legalize and confirm all acts and proceedings of the persons elected as trustees of the village of Nelsonville, in the county of Putnam, during their respective terms of office. Passed March 6, 1876.
- CHAP. 42.** An act to authorize the trustees of the village of Nelsonville, Putnam county, to qualify as such. Passed March 6, 1876.
- CHAP. 43.** An act to authorize the extension of the time for the collection of taxes in the town of Geneva. Passed March 8, 1876; three-fifths being present.
- CHAP. 44.** An act to amend an act entitled "An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan," passed April twenty-first, eighteen hundred and sixty-four, and as amended by chapter one hundred and ninety-one of the laws of eighteen hundred and seventy-three. Passed March 8, 1876; three-fifths being present.
- CHAP. 45.** An act to amend chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers," passed February twenty-eighth, eighteen hundred and seventy-three. Passed March 9, 1876; three-fifths being present.
- CHAP. 46.** An act to authorize the common council of the city of Brooklyn to establish and maintain public baths in said city. Passed March 9, 1876; three-fifths being present.
- CHAP. 47.** An act to amend chapter eighty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to provide for the improvement of Grass river and of the water-power thereon, and to check freshets therein," passed March thirty-first, eighteen hundred and sixty-nine. Passed March 9, 1876; three-fifths being present.
- CHAP. 48.** An act to repeal chapter three hundred and twenty-seven of the laws of eighteen hundred and seventy-four, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors in the county of Westchester." Passed March 9, 1876; three-fifths being present.
- CHAP. 49.** An act in relation to the equalization of assessments, under chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine and the amendments thereto. Passed March 10, 1876; three-fifths being present.

- CHAP. 50.** An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction." Passed March 10, 1876; three-fifths being present.
- CHAP. 51.** An act to extend the time for the collection of taxes in the town of Scio, in the county of Allegany. Passed March 10, 1876; three-fifths being present.
- CHAP. 52.** An act to confirm a deed from the Central Baptist Church of Christ, Poughkeepsie. Passed March 14, 1876.
- CHAP. 53.** An act to amend chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act for the incorporation of societies or clubs for certain lawful purposes." Passed March 14, 1876.
- CHAP. 54.** An act to provide for the reporting of persons in the various State benevolent institutions of this State. Passed March 14, 1876; three fifths being present.
- CHAP. 55.** An act to amend chapter three hundred and twenty-six of the laws of eighteen hundred and seventy-five, entitled "An act to further amend chapter five hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled 'An act to incorporate the city of Newburgh;' also to amend chapter five hundred and fifty-one of the laws of eighteen hundred and seventy-two, entitled 'An act to amend an act entitled 'An act to incorporate the city of Newburgh.''" Passed March 14, 1876; three-fifths being present.
- CHAP. 56.** An act to amend chapter six hundred and thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the appointment of a recorder and collector in the village of Plattsburgh, and to provide for the pavement of certain streets in said village. Passed March 14, 1876; three-fifths being present.
- CHAP. 57.** An act to amend chapter one hundred and thirty-three of the laws of eighteen hundred and fifty-five, entitled "An act to incorporate the Niagara Falls Suspension Bridge Company," passed March thirty-first, eighteen hundred and fifty-five. Passed March 14, 1876.
- CHAP. 58.** An act further to amend chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and Territories. Passed March 14, 1876; three-fifths being present.
- CHAP. 59.** An act to release the interest of the people of the State of New York in and to certain lands situate in the county of Schuyler, of which William Aston died seized, and granting and confirming the title to said lands in Joseph Mackey, Matthew Mackey and John Mackey. Passed March 14, 1876, by a two-third vote.
- CHAP. 60.** An act to release the interest of the people of the State of New York in certain real estate in the city of Brooklyn, county of Kings, and in the town of Newtown, county of Queens, to James Butler and Martha Butler. Passed March 14, 1876, by a two-third vote.
- CHAP. 61.** An act relating to fines imposed in criminal cases. Passed March 14, 1876; three-fifths being present.
- CHAP. 62.** An act to amend section five of chapter five hundred and twenty-five of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the incorporation of the New York State Grange of the Patrons of Husbandry, and councils and granges subordinate thereto." Passed March 14, 1876.
- CHAP. 63.** An act to authorize the extension of the time for the collection of taxes in the several towns in the county of Erie. Passed March 15, 1876; three-fifths being present.
- CHAP. 64.** An act to authorize the extension of the time for the collection of taxes in the several towns of the county of Ulster, State of New York. Passed March 15, 1876: three-fifths being present.
- CHAP. 65.** An act releasing all the right, title and interest of the people of the State of New York of, in and to certain lands in the city of Brooklyn, in the county of Kings formerly covered by the waters of New York bay. Passed March 15, 1876, by a two-third vote.
- CHAP. 66.** An act to authorize municipal corporations holding the first mortgage bonds of the Rochester and State Line railway company, to sell and dispose of the same. Passed March 15, 1876; three-fifth being present.

- CHAP. 67. An act to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," so far as said act relates to the village of Charlotte. Passed March 15, 1876; three-fifths being present.
- CHAP. 68. An act to authorize the supervisor of the town of Hastings, in the county of Oswego, to collect certain highway taxes in said county. Passed March 17, 1876; three-fifths being present.
- CHAP. 69. An act to amend section forty-eight of article three, title four, chapter seven, part three of the Revised Statutes. Passed March 17, 1876.
- CHAP. 70. An act to extend the time for the collection of taxes in the county of Richmond. Passed March 21, 1876; three-fifths being present.
- CHAP. 71. An act to confirm the official acts of Hiram J. Purdy, a coroner of the county of Seneca, and to enable him to take and file his official oath. Passed March 21, 1876; three-fifths being present.
- CHAP. 72. An act to authorize the common council of the city of Lookport to raise by tax and disburse money in rebuilding Washington hose carriage house in said city. Passed March 24, 1876; three-fifths being present.
- CHAP. 73. An act to authorize the commissioners of the Sinking Fund of the city of New York to sell at public auction the lease of the ferry from Grand street, in the city of New York, to Grand street in the city of Brooklyn. Passed March 24, 1876; three-fifths being present.
- CHAP. 74. An act to legalize and confirm the consolidation of the several railroads and companies now constituting the Geneva, Hornellsville and Pine Creek railway company. Passed March 24, 1876.
- CHAP. 75. An act to amend chapter ninety-four of the laws of eighteen hundred and seventy-five, entitled "An act to further amend chapter six hundred and eighty of the laws of eighteen hundred and seventy-one, entitled 'An act in relation to location and erection of public buildings for the use of Erie county and the city of Buffalo,'" also to amend chapter six hundred and eighty of the laws of eighteen hundred and seventy-one, entitled "An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo." Passed March 28, 1876; three-fifths being present.
- CHAP. 76. An act to extend the time for the collection of taxes in Moriah, Essex county. Passed March 29, 1876; three-fifths being present.
- CHAP. 77. An act to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same." Passed March 29, 1876.
- CHAP. 78. An act to extend the time for the collection of taxes in the several towns in the county of Rockland. Passed March 29, 1876; three-fifths being present.
- CHAP. 79. An act to extend the time for the collection of taxes in the town of Hastings, in the county of Oswego. Passed March 29, 1876; three-fifths being present.
- CHAP. 80. An act to extend the time for the collection of taxes in the town of Plattsburgh, in the county of Clinton. Passed March 30, 1876; three-fifths being present.
- CHAP. 81. An act to extend the time for the collection of taxes in the towns of Oysterbay and North Hempstead, in the county of Queens. Passed March 30, 1876; three-fifths being present.
- CHAP. 82. An act to legalize and confirm the official acts of Jeffrey F. Thomas, as assessor of the town of Sheldon, in the county of Wyoming, and to enable him to take the oath of office required by the Constitution. Passed March 30, 1876.
- CHAP. 83. An act to amend chapter four hundred and fifty-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Mayville, in the town of Chautauqua, county of Chautauqua." Passed March 30, 1876; three-fifths being present.
- CHAP. 84. An act authorizing the Rochester and State Line railway company to amend its articles of association. Passed March 30, 1876

- CHAP. 85. An act to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester" and the various acts amendatory thereof. Passed March 31, 1876; three-fifths being present.
- CHAP. 86. An act further to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester." Passed March 31, 1876; three-fifths being present.
- CHAP. 87. An act to amend chapter two hundred and seventeen of the laws of eighteen hundred and sixty-five, entitled "An act to establish the office of receiver of taxes and assessments in the town of East Chester, in the county of Westchester." Passed March 31, 1876; three-fifths being present.
- CHAP. 88. An act in relation to the compensation of certain public officers in Long Island City. Passed March 31, 1876; three-fifths being present.
- CHAP. 89. An act to extend the time for the collection of town and county taxes in the town of Johnstown, Fulton county. Passed March 31, 1876; three-fifths being present.
- CHAP. 90. An act to extend the time for the collection of taxes in the town of Volney, in the county of Oswego. Passed March 31, 1876; three-fifths being present.
- CHAP. 91. An act to confirm the proceedings of the town meeting held in Geneva, authorizing the raising of money for road and bridge purposes. Passed April 4, 1876; three-fifths being present.
- CHAP. 92. An act to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office. Passed April 4, 1876; three-fifths being present.
- CHAP. 93. An act providing for the union of the Griffith Institute with Union Free School district number one of the town of Concord, Erie county, and providing for the disposition of the fund bequeathed to the Griffith Institute. Passed April 4, 1876; three-fifths being present.
- CHAP. 94. An act to authorize the sale of subdivision number twenty-three in block number fifty-one in the third ward of the city of Oswego, known as engine-house and lot number two. Passed April 4, 1876; three-fifths being present.
- CHAP. 95. An act to amend the sixteenth section of title sixth of chapter two of the fourth part of the Revised Statutes, concerning the allowance of writs of error in criminal cases. Passed April 6, 1876; three-fifths being present.
- CHAP. 96. An act to amend chapter one hundred and eighty of the laws of eighteen hundred and forty-five, entitled "An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts. Passed April 7, 1876; three-fifths being present.
- CHAP. 97. An act to amend chapter five hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter four hundred and thirty-three, of the laws of eighteen hundred and sixty-six, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town, under and by virtue of said act." Passed April 7, 1876; three-fifths being present.
- CHAP. 98. An act to legalize and confirm the official acts of Charles A. Dolson, as notary public, in the county of Allegany. Passed April 7, 1876.
- CHAP. 99. An act to authorize the Patriot Orphan Home to convey certain real estate. Passed April 7, 1876.
- CHAP. 100. An act to amend chapter four hundred and forty-eight of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its present charter." Passed April 7, 1876; three-fifths being present.
- CHAP. 101. An act to amend section five of chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, entitled "An act in relation to the collection of taxes on lands of non-residents and to provide for the sale of such lands for unpaid taxes. Passed April 7, 1876; three-fifths being present.

- CHAP. 102.** An act to repeal chapter two hundred and twenty-four of the laws of eighteen hundred and seventy-four, entitled "An act to repeal chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben, and chapter five hundred and thirty of the laws of eighteen hundred and seventy-five, entitled An act to amend an act and the title of an act entitled An act to repeal chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled an act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben, passed April twenty-one, one thousand eight hundred and seventy-four," so far as the same relates to the county of Steuben. Passed April 7, 1876; three-fifths being present.
- CHAP. 103.** An act relating to the payment of assessments for local improvements in the city of New York. Passed April 7, 1876; three-fifths being present.
- CHAP. 104.** An act to authorize the commissioners of the town of Newark Valley in the county of Tioga, appointed under and by virtue of chapter four hundred and thirty-three, of the laws of eighteen hundred and sixty-six, to issue bonds for the purpose of raising funds with which to pay the bonds of said town, heretofore issued by virtue of said act. Passed April 11, 1876; three-fifths being present.
- CHAP. 105.** An act to amend chapter three hundred and twenty of the laws of eighteen hundred and fifty-nine, entitled "An act to amend the incorporation of the village of Lancaster, in the county of Erie." Passed April 11, 1876; three-fifths being present.
- CHAP. 106.** An act to amend chapter three hundred and twenty-eight of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act to provide for an additional supply of water in the city of Albany, passed March twentieth, eighteen hundred and sixty-eight. Passed April 11, 1876; three-fifths being present.
- CHAP. 107.** An act to repeal chapter two hundred and thirty-five of the laws of eighteen hundred and sixty-one, entitled "An act to authorize and establish a jail or lock-up in the village of West Troy, in the county of Albany," and in relation to committals to the police station in said village of West Troy. Passed April 11, 1876; three-fifths being present.
- CHAP. 108.** An act to amend chapter two hundred and nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act passed April eighteenth, eighteen hundred and fifty-nine, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary,'" passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State. Passed April 11, 1876; three-fifths being present.
- CHAP. 109.** An act to enable the commissioners of the alms-house of the city of Kingston to borrow a sum not exceeding five thousand dollars, and to provide for the payment thereof. Passed April 11, 1876; three fifths being present.
- CHAP. 110.** An act supplemental to chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies," and of the several acts amendatory thereof. Passed April 11, 1876.
- CHAP. 111.** An act to amend chapter eight hundred and thirty-five of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the Catskill Agricultural and Horticultural Association. Passed April 11, 1876.
- CHAP. 112.** An act to amend chapter eight hundred and thirty-two of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Central Trust Company of New York," passed June twenty-fifth, eighteen hundred and seventy-three. Passed April 11, 1876.
- CHAP. 113.** An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which John Boston died seized, to Charity Paterson, formerly Charity Boston, his widow. Passed April 11, 1876, by a two-third vote.
- CHAP. 114.** An act to release lands which have escheated to the State, to Catharine Will, widow of Charles Will, late of the city of Albany, New York. Passed April 11, 1876 by a two-third vote.

CHAP. 115. An act to facilitate the settlement of bills of exceptions in criminal actions. Passed April 11, 1876.

CHAP. 116. An act to amend chapter one hundred and fifty-eight of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter eight hundred and thirty-six of the laws of eighteen hundred and seventy-two, entitled "An act to regulate places of public amusement in the city of New York." Passed April 11, 1876.

CHAP. 117. An act to amend chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Maritime Association of the Port of New York." Passed April 11, 1876; three-fifths being present.

CHAP. 118. An act in relation to wills of personal estate. Passed April 11, 1876.

CHAP. 119. An act to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter four hundred and eighty-one, laws of eighteen hundred and seventy-four, may commence the transaction of its business. Passed April 11, 1876.

CHAP. 120. An act to authorize the common council of the city of Oswego to assess, levy and collect an additional contingent fund for the year eighteen hundred and seventy-six, and to prescribe the manner in which the voters of said city shall signify their assent thereto. Passed April 14, 1876; three-fifths being present.

CHAP. 121. An act regulating the appointment of trustees of the State Homœopathic Asylum for the insane at Middletown. Passed April 14, 1876.

CHAP. 122. An act to prevent and punish wrongs to children. Passed April 14, 1876; three-fifths being present.

CHAP. 123. An act to amend chapter seventy-two of the laws of eighteen hundred and seventy-six, entitled "An act to authorize the common council of the city of Lockport to raise by tax and disburse money in rebuilding Washington Hose carriage house in said city." Passed April 14, 1876; three-fifths being present.

CHAP. 124. An act to confirm the official acts of William C. Williams, justice of sessions for the county of Yates, and to enable him to take and file his oath of office. Passed April 14, 1876; three-fifths being present.

CHAP. 125. An act to repeal chapter eight hundred and sixty-nine of the laws of eighteen hundred and sixty-seven, entitled "An act to provide for the erection of a town hall in the town of Watervliet, in the county of Albany." Passed April 14, 1876; three-fifths being present.

CHAP. 126. An act to authorize the city of Binghamton to provide for the deficiency in the fire department fund of said city, and to liquidate the indebtedness of said department. Passed April 14, 1876; three-fifths being present.

CHAP. 127. An act giving certain powers to the trustees of the De Witt Cemetery Association. Passed April 14, 1876; three-fifths being present.

CHAP. 128. An act to amend chapter forty-six of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled an act to amend and consolidate the charter of the village of Middletown, passed March thirty-first, eighteen hundred and sixty-six." Passed April 14, 1876; three-fifths being present.

CHAP. 129. An act to confirm the action of the trustees of the Baptist society of the town of Victory, county of Cayuga, in conveying burial grounds to the trustees of the Victory union cemetery association. Passed April 18, 1876.

CHAP. 130. An act to provide for the appointment of an additional number of notaries public. Passed April 18, 1876; three-fifths being present.

CHAP. 131. An act to enable the city of Brooklyn to construct a public building. Passed April 20, 1876; three-fifths being present.

CHAP. 132. An act to amend sections fifty and fifty-one of article fifth of title one of chapter fifteen of the first part of the revised statutes in regard to trustees of incorporated colleges and academies. Passed April 20, 1876; three-fifths being present.

CHAP. 133. An act to provide for the removal of certain officers, and to amend proceedings in relation thereto. Passed April 20, 1876; three-fifths being present.

CHAP. 134. An act to amend chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof." Passed April 21, 1876; three-fifths being present.

- CHAP. 185.** An act to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled "An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporation existence. Passed April 21, 1876.
- CHAP. 186.** An act to amend chapter four hundred and seventy-nine of the laws of eighteen hundred and seventy-five, entitled "An act in relation to the jurisdiction of the marine court of the city of New York, and to the justices of said court." Passed April 21, 1876; three-fifths being present.
- CHAP. 137.** An act to provide for the payment of the expenses of the board of health of the city of Poughkeepsie. Passed April 22, 1876; three-fifths being present.
- CHAP. 138.** An act to confirm the assignment of a certain mortgage by the commissioners for loaning certain moneys of the United States, of the county of Ontario, to Thomas Keator. Passed April 22, 1876.
- CHAP. 139.** An act in relation to the powers and duties of the board of commissioners of the department of public parks in connection with the American museum of natural history and the Metropolitan museum of art. Passed April 22, 1876; three-fifths being present.
- CHAP. 140.** An act authorizing the railroad commissioners of the city of Auburn to issue bonds to the amount of one hundred thousand dollars, to refund or pay a like amount of bonds issued by said city in aid of the Southern Central railroad. Passed April 22, 1876; three-fifths being present.
- CHAP. 141.** An act authorizing the sale of the State armory at Schenectady. Passed April 22, 1876; three-fifths being present.
- CHAP. 142.** An act to authorize the commissioners of the land office to convey certain lands belonging to the State of New York, in the village of Cortland, to "The Cortland Soldiers' Monumental Association," for the purposes of the erection, maintenance and protection of a soldiers' monument. Passed April 22, 1876, by a two-third vote.
- CHAP. 143.** An act to amend chapter three hundred and ninety-eight of the laws of eighteen hundred and sixty-six, entitled "An act to facilitate the construction of the New York and Oswego Midland railroad, and to authorize towns to subscribe to the capital stock thereof." Passed April 22, 1876; three-fifths being present.
- CHAP. 144.** An act authorizing the town of Genoa, in the county of Cayuga, to issue bonds to the amount of fifty thousand dollars, to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter three hundred and seventy-five of the laws of eighteen hundred and fifty-two. Passed April 22, 1876; three-fifths being present.
- CHAP. 145.** An act authorizing the town of Venice, in the county of Cayuga, to issue bonds to the amount of fifty thousand dollars, to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter three hundred and seventy-five of the laws of eighteen hundred and fifty-two. Passed April 22, 1876; three-fifths being present.
- CHAP. 146.** An act in relation to repairs of certain streets in the city of Albany. Passed April 22, 1876; three-fifths being present.
- CHAP. 147.** An act granting to the United States the right to acquire the right of way necessary for the improvement of Harlem river and Spuyten Duyvil creek, from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same. Passed April 22, 1876, by a two-third vote.
- CHAP. 148.** An act to release to Bridget Porter the right, title and interest of the people of the State of New York in and to certain real estate in the twenty-fourth ward of the city of New York. Passed April 22, 1876, by a two-third vote.
- CHAP. 149.** An act to repeal an act entitled "An act for the improvement of Myrtle avenue in the city of Brooklyn," passed June twenty-first, one thousand eight hundred and seventy-five. Passed April 22, 1876; three-fifths being present.
- CHAP. 150.** An act to legalize the official acts of Charles M. Johnston, a justice of the peace of the town of Cameron, Steuben county. Passed April 22, 1876; three-fifths being present.
- CHAP. 151.** An act to release the interest of the people of the State of New York in certain lands in the town of Malone, in the county of Franklin, to Charlotte Hutchins. Passed April 22, 1876, by a two-third vote.

- CHAP. 152. An act to repeal chapter thirty-eight of the laws of eighteen hundred and seventy-four, entitled "An act for the disposition of excise moneys and fines for intoxication within the village of Monticello," passed February twenty-seven, eighteen hundred and seventy-four. Passed April 22, 1876; three-fifths being present.
- CHAP. 153. An act to require the filing of maps in the assessors' office in the city of Albany. Passed April 22, 1876; three-fifths being present.
- CHAP. 154. An act to authorize the sale of a part of the "poor-house farm," so called, situate in the town of Oswego, also certain land in the town of Oswego known as the "public square block." Passed April 22, 1876; three-fifths being present.
- CHAP. 155. An act to confirm the official acts of the trustees of the village of Wellsburgh, in the county of Chemung, and to provide for the election of their successors. Passed April 22, 1876; three-fifths being present.
- CHAP. 156. An act to authorize the supervisor of the town of Queensbury, in the county of Warren, to pay over and dispose of certain moneys in his hands, raised or provided in said town for the purpose of building a town hall. Passed April 22, 1876; three-fifths being present.
- CHAP. 157. An act to confirm the official acts of Luther W. Emerson as a notary public of Kings county. Passed April 22, 1876.
- CHAP. 158. An act to repeal an act entitled "An act to lay out and construct a road from Creek Centre, in the county of Warren, to the village of Pickleville, in the town of Wells, in the county of Hamilton." Passed April 22, 1876; three-fifths being present.
- CHAP. 159. An act to authorize the village of Cooperstown, in the county of Otsego, to borrow money and issue bonds of the village therefor, in payment of the floating debt of said village. Passed April 22, 1876; three-fifths being present.
- CHAP. 160. An act to provide for a commission to investigate the affairs of the State Prisons of this State and the State Reformatory at Elmira, and to prescribe the manner of such investigation. Passed April 22, 1876; three-fifths being present.
- CHAP. 161. An act to amend chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to protect butter and cheese manufacturers,' passed May second, eighteen hundred and sixty-four." Passed April 22, 1876; three-fifths being present.
- CHAP. 162. An act to amend chapter eight hundred and thirty-four of the laws of eighteen hundred and sixty-nine, and also to amend chapter four hundred and fifty-five of the laws of eighteen hundred and seventy, entitled "An act to amend the act incorporating the village of Carthage, in the county of Jefferson." Passed April 22, 1876; three-fifths being present.
- CHAP. 163. An act to amend chapter 673 of the laws of eighteen hundred and seventy-one, entitled "An act to authorize the construction of sewers in the village and town of Saratoga Springs." Passed April 22, 1876; three-fifths being present.
- CHAP. 164. An act to enable the town of Little Valley, Cattaraugus county, to issue bonds to pay the debts incurred under the provisions of chapter five hundred and ninety, laws of eighteen hundred and sixty-nine. Passed April 22, 1876; three-fifths being present.
- CHAP. 165. An act to confirm the official acts of the town officers in the several towns in the county of Yates, and to permit them to take the oath prescribed by the constitution. Passed April 22, 1876; three-fifths being present.
- CHAP. 166. An act to repeal chapter one hundred and fifty-eight of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the village* Akron, in the county of Erie," passed April ten, eighteen hundred and seventy-four. Passed April 22, 1876; three-fifths being present.
- CHAP. 167. An act to amend section two, chapter one hundred and ninety-two of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners.'" Passed April 22, 1876; three-fifths being present.

* So in the original.

- CHAP. 168. An act to confirm and legalize the proceedings to incorporate the village of Port Dickinson. Passed April 22, 1876; three-fifths being present.
- CHAP. 169. An act to provide for the construction and maintenance of four additional public baths in the city of New York. Passed April 22, 1876; three-fifths being present.
- CHAP. 170. An act to amend chapter sixty-eight of the laws of eighteen hundred and seventy-six, entitled "An act to authorize the supervisor of the town of Hastings, in the county of Oswego, to collect certain highway taxes in said county," passed March seventeenth, eighteen hundred and seventy-six. Passed April 22, 1876; three-fifths being present.
- CHAP. 171. An act to legalize the official acts of David H. Carver as notary public. Passed April 22, 1876; three-fifths being present.
- CHAP. 172. An act to authorize the city of Buffalo to issue its certificates of indebtedness for the purpose of raising money to supply a deficiency in the poor department of the city. Passed April 25, 1876; three-fifths being present.
- CHAP. 173. An act to amend chapter seventy-seven of the laws of eighteen hundred and seventy, entitled "An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April twelfth, eighteen hundred and forty-two, and the several acts amendatory thereof, in so far as they relate to the city of Albany." Passed April 26, 1876, three-fifths being present.
- CHAP. 174. An act to amend chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers," and passed February twenty-eight, eighteen hundred and seventy-three. Passed April 26, 1876; three-fifths being present.
- CHAP. 175. An act to enable the Owego Steamboat Company to improve the navigation of the Susquehanna river between the village of Owego, in the county of Tioga, and the city of Binghamton, in the county of Broome. Passed April 26, 1876; three-fifths being present.
- CHAP. 176. An act supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies, and the acts supplementary thereto." Passed April 26, 1876.
- CHAP. 177. An act to amend chapter eight hundred and ninety, laws of eighteen hundred and sixty-seven, entitled "An act to lay out Washington square at Stapleton in the town of Middletown, county of Richmond, and to provide the means therefor," passed May tenth, eighteen hundred and sixty-seven, and to provide for keeping said Washington square in order, and for the redemption and payment of the bonds issued in pursuance of said act, and called Washington square bonds of Richmond county. Passed April 26, 1876; three-fifths being present.
- CHAP. 178. An act to authorize the moneys collected of tax-payers of the town of Orleans, in the county of Jefferson, for railroad purposes, in the year eighteen hundred and seventy-two, to be paid to the supervisor of said town of Orleans. Passed April 26, 1876; three-fifths being present.
- CHAP. 179. An act to amend chapter thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to re-enact and amend an act entitled 'An act to incorporate the city of Yonkers,'" passed June first, eighteen hundred and seventy-two. Passed April 26, 1876; three-fifths being present.
- CHAP. 180. An act to amend an act entitled "An act amending and revising and consolidating the several acts in relation to the village of Greenbush, passed March twenty-second, eighteen hundred and fifty-four, and April twenty-ninth, eighteen hundred and sixty-three," passed April twenty-fifth, eighteen hundred and seventy-one. Passed April 26, 1876; three-fifths being present.
- CHAP. 181. An act to amend chapter one hundred and seven of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Palatine Bridge." Passed April 27, 1876; three-fifths being present.
- CHAP. 182. An act in relation to evidence in criminal cases. Passed April 27, 1876; without the approval of the governor, pursuant to provision of section nine of article four of the constitution.

- CHAP. 183. An act to amend chapter two hundred and thirty-one of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the charter of the village of Johnstown and the several acts amendatory thereof, and to extend the boundary of said village." Passed April 27, 1876; three-fifths being present.
- CHAP. 184. An act to release the right, title and interest of the people of the State of New York to George G. Ackley, husband of Sarah Ann Ackley, deceased, in and to certain real estate situate in the city of Brooklyn and also in the town of Flatbush, in the county of Kings, and State of New York. Passed April 27, 1876, by a two-third vote.
- CHAP. 185. An act to re-appropriate certain moneys in the treasury heretofore appropriated for the improvement of the Champlain canal. Passed April 28, 1876; three-fifths being present.
- CHAP. 186. An act to authorize the common council of the city of Binghamton to raise money to be used for the purpose of paying the existing floating debt of said city and repairing the firemen's hall building thereon. Passed April 28, 1876; three-fifths being present.
- CHAP. 187. An act to authorize the use of steam power upon Atlantic avenue east of Flatbush avenue, in the city of Brooklyn. Passed April 28, 1876.
- CHAP. 188. An act to fix the time for filling in and improving the lands between high and low water mark on the easterly shore of the Harlem river. Passed April 28, 1876; three-fifths being present.
- CHAP. 189. An act to amend chapter three hundred and seventy of the laws of eighteen hundred and seventy-five, entitled "An act to amend and consolidate the several acts relating to the city of Elmira." Passed April 28, 1867; three-fifths being present.
- CHAP. 190. An act further to amend chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies." Passed April 28, 1876.
- CHAP. 191. An act to amend chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-four, entitled "An act for the protection and preservation of fish in that portion of the Walkill river in the counties of Ulster and Orange." Passed April 29, 1876, by a two-third vote.
- CHAP. 192. An act making appropriations for the support of government. Passed April 29, 1876, by a two-third vote.
- CHAP. 193. An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations. Passed May 1, 1876, by a two-third vote.
- CHAP. 194. An act to release to John J. Cook, otherwise called Eli Plank, and Mary Eliza Castle, both of the city of Albany, county of Albany, and State of New York, the title and interest of the people of the State of New York in the real and personal estate of which John Cooke, late of the city of Albany, died seized. Passed May 2, 1876, by a two-third vote.
- CHAP. 195. An act to authorize the "Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church" to convey certain property. Passed May 2, 1876; three-fifths being present.
- CHAP. 196. An act to establish a local court of civil jurisdiction in the city of Rochester, to be called the Municipal Court of the city of Rochester, and to amend the charter of said city. Passed May 2, 1876; three-fifths being present.
- CHAP. 197. An act to amend chapter one hundred and sixty of the laws of eighteen hundred and seventy-six, entitled "An act to provide for a commission to investigate the affairs of the State prisons of the State, and the State Reformatory at Elmira, and to prescribe the manner of such investigation." Passed May 2, 1876; three-fifths being present.
- CHAP. 198. An act to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same." Passed May 3, 1876; three-fifths being present.
- CHAP. 199. An act in relation to the court of general sessions of the peace, in and for the city and county of New York. Passed May 4, 1876; three-fifths being present; without the approval of the Governor, pursuant to provision of section nine of article four of the Constitution.
- CHAP. 200. An act to provide for the filling up of sunken lots in the city of Brooklyn. Passed May 4, 1876; three-fifths being present; without the approval of the Governor, pursuant to provision of section nine of article four of the Constitution.

- CHAP. 201.** An act to prevent frauds in the sale of staterooms, berths and tickets upon steamboats, and steamships, and other vessels. Passed May 4, 1876; three-fifths being present; without the approval of the Governor, pursuant to provision of section nine of article four of the Constitution.
- CHAP. 202.** An act to incorporate the Great Tribe of the Independent Order of Red Men of the State of New York. Passed May 2, 1876.
- CHAP. 203.** An act to authorize the city of Buffalo to issue certificates of indebtedness for the purpose of raising moneys to supply the deficiency, caused by the defalcation of the late city treasurer. Passed May 4, 1876; three-fifths being present.
- CHAP. 204.** An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor. Passed May 4, 1876; three-fifths being present.
- CHAP. 205.** An act in relation to clerks, deputy clerks and assistant clerks of the several courts of record in the counties of New York and Kings, and of the surrogate's court in said counties. Passed May 4, 1876.
- CHAP. 206.** An act to incorporate the Fulton lake park association. Passed May 4, 1876; three-fifths being present.
- CHAP. 207.** An act to provide a government for the New York State Reformatory at Elmira, and to provide for the completion of the same, and to make an appropriation therefor. Passed May 9, 1876; three-fifths being present.
- CHAP. 208.** An act to extend the time for making assessments for taxes in the city and county of New York. Passed May 12, 1876; three-fifths being present.
- CHAP. 209.** An act to provide for the completion of the court-house in the third judicial district in the city of New York. Passed May 12, 1876; three-fifths being present.
- CHAP. 210.** An act to repeal chapter nine hundred and twenty of the laws of eighteen hundred and sixty-nine, entitled "An act in relation to the opening, widening and extending of streets, avenues and public places in the city of New York." Passed May 12, 1876; three-fifths being present.
- CHAP. 211.** An act for the relief of the creditors of James B. Taylor, late of the city of New York, deceased. Passed May 12, 1876.
- CHAP. 212.** An act to make further provision for the audit and payment of the claims and expenses of conducting civil and criminal suits and proceedings growing out of the frauds upon the treasury of the city and county of New York. Passed May 12, 1876; three-fifths being present.
- CHAP. 213.** An act to amend chapter one hundred and six of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the New York Infant Asylum." Passed May 13, 1876; three-fifths being present.
- CHAP. 214.** An act to amend chapter four hundred and sixty-three of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn.'" Passed May 13, 1876; three-fifths being present.
- CHAP. 215.** An act to amend chapter four hundred and ninety-seven of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city." Passed May 13, 1876; three-fifths being present.
- CHAP. 216.** An act to amend chapter one hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to organize and establish a police for the city of Youkers." Passed May 13, 1876; three-fifths being present.
- CHAP. 217.** An act to amend an act entitled "An act to renew the charter of the State road from the Orange turnpike to Nyack, in the county of Rockland," as passed April twentieth, eighteen hundred and thirty, as renewed June eighteen, eighteen hundred and fifty-three. Passed May 13, 1876; three-fifths being present.
- CHAP. 218.** An act in relation to certain highways in the city of Yonkers and town of East Chester, in the county of Westchester. Passed May 13, 1876; three-fifths being present.
- CHAP. 219.** An act to authorize the city of Syracuse to borrow money and issue bonds of said city therefor, in payment of the floating debt of said city. Passed May 13, 1876, three-fifths being present.

- CHAP. 253. An act to repeal chapter four hundred and twenty-nine of the laws of eighteen hundred and seventy, entitled "An act to amend an act entitled 'An act to authorize the sale of lands of* non-payment of taxes and for the collection of unpaid taxes in the county of Westchester,' passed April sixteenth, eighteen hundred and sixty, and the acts amendatory thereof, passed March twenty-sixth, eighteen hundred and sixty-one, and May fifth, eighteen hundred and sixty-three, and April seventeenth, eighteen hundred and sixty-eight, so that all of said acts shall apply to the county of Richmond, as well as the county of Westchester," and chapter four hundred and thirty-five of the laws of eighteen hundred and seventy-four, amending said chapter four hundred and twenty-nine of the laws of eighteen hundred and seventy. Passed May 13, 1876; three-fifths being present.
- CHAP. 254. An act to provide for laying an additional main from the Loughberry water-works in the town and village of Saratoga Springs. Passed May 13, 1876; three-fifths being present.
- CHAP. 255. An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Burnet, and other streets in said city, and to raise money to pay for the same. Passed May 13, 1876; three-fifths being present.
- CHAP. 256. An act to authorize the common council of the city of Syracuse to construct a trunk sewer in West Onondaga street in said city, and to raise money to pay for the same. Passed May 13, 1876; three-fifths being present.
- CHAP. 257. An act to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors." Passed May 13, 1876; three-fifths being present.
- CHAP. 258. An act to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," passed June five, eighteen hundred and seventy-five. Passed May 13, 1876; three-fifths being present.
- CHAP. 259. An act to legalize the acts of Amasa Stanton, justice of the peace of the county of Wayne. Passed May 13, 1876; three-fifths being present.
- CHAP. 260. An act to reduce the penalties on unpaid taxes and assessments in the city of Yonkers, and to reduce the fees of the city treasurer and the receiver of taxes of said city. Passed May 13, 1876; three-fifths being present.
- CHAP. 261. An act to amend chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county." Passed May 13, 1876; three-fifths being present.
- CHAP. 262. An act to amend chapter two hundred and fifty-six of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May fifth, eighteen hundred and seventy." Passed May 13, 1876; three-fifths being present.
- CHAP. 263. An act to amend chapter three hundred and eighty-five of the laws of eighteen hundred and seventy-one, entitled "An act to establish a receiver of taxes and to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the town of Newtown, Queens county." Passed May 13, 1876; three-fifths being present.
- CHAP. 264. An act to repeal chapter four hundred and sixty-eight, laws of eighteen hundred and sixty-four,* entitled "An act to extend and continue and amend the act entitled 'An act to create a special highway district in the town of Elizabethtown, Essex county,' passed May twelfth, eighteen hundred and sixty-nine. Passed May 13, 1876; three-fifths being present.
- CHAP. 265. An act supplementary to chapter two hundred and ninety-one of the laws of eighteen hundred and sixty-nine, entitled "An act to authorize the levying of a tax upon the town of Gouverneur, in the county of St. Lawrence, for the benefit of the Gouverneur Wesleyan séminary, and to increase the capital stock of said seminary." Passed May 13, 1876; three-fifths being present.

* So in the original.

- CHAP. 266.** An act to amend chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the better care of pauper and destitute children." Passed May 15, 1876; three-fifths being present.
- CHAP. 267.** An act further to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy." Passed May 15, 1876; three-fifths being present.
- CHAP. 268.** An act to authorize the village of Little Falls, in the county of Herkimer, to provide for its indebtedness. Passed May 15, 1876; three-fifths being present.
- CHAP. 269.** An act to legalize the acts of Samuel Thomas, as a justice of the peace in and for the town of Farmersville, in the county of Cattaraugus. Passed May 15, 1876.
- CHAP. 270.** An act to incorporate the Grand Army of the Republic Soldiers' Home of the State of New York. Passed May 15, 1876.
- CHAP. 271.** An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof. Passed May 15, 1876; three-fifths being present.
- CHAP. 272.** An act to amend an act entitled "An act to amend the charter of the village of Canajoharie," passed April twenty-first, eighteen hundred and forty-one, and to repeal part of an act entitled "An act to incorporate the village of Canajoharie," passed April thirtieth, eighteen hundred and twenty-nine. Passed May 15, 1876; three-fifths being present.
- CHAP. 273.** An act to amend chapter five hundred and ten of the laws of eighteen hundred and seventy, entitled "An act to authorize the Rondout and Oswego railroad company to increase their rates of fare for the transportation of passengers." Passed May 15, 1876; three-fifths being present.
- CHAP. 274.** An act in relation to arrears of taxes in the city of New York, and to provide for the re-issuing of revenue bonds in the anticipation of such taxes. Passed May 15, 1876; three-fifths being present.
- CHAP. 275.** An act for the relief of Cornelius Flynn. Passed May 15, 1876; three-fifths being present.
- CHAP. 276.** An act in relation to the opening of Prospect avenue in the city of Brooklyn. Passed May 15, 1876; three-fifths being present.
- CHAP. 277.** An act to amend section fifteen of article second, title four, of chapter two of part three of the Revised Statutes, relating to justices' courts. Passed May 15, 1876; three-fifths being present.
- CHAP. 278.** An act to amend section twenty-nine of chapter four hundred and sixty of the laws of eighteen hundred and thirty-seven, entitled "An act concerning the proof of wills, executors, administrators, guardians and wards, and surrogates' courts," passed May sixteen, eighteen hundred and thirty-seven, as amended by chapter two hundred and twenty-nine of the laws of eighteen hundred and sixty-two. Passed May 15, 1876; three-fifths being present.
- CHAP. 279.** An act to amend chapter seven-hundred and eighty-eight of the laws of eighteen hundred and sixty-seven, entitled "An act authorizing the board of supervisors of the county of Kings to raise money for the benefit of the fire department of the town of New Lots, in said county of Kings." Passed May 15, 1876; three-fifths being present.
- CHAP. 280.** An act further to amend chapter three hundred and twenty-two of the laws of eighteen hundred and seventy, entitled "An act to authorize corporations to change their names." Passed May 15, 1876.
- CHAP. 281.** An act to amend an act entitled "An act to amend an act to provide for a supply of water in the village of Cohoes, passed April twelfth, eighteen hundred and fifty-six," passed April eighteenth, eighteen hundred and seventy. Passed May 15, 1876; three-fifths being present.
- CHAP. 282.** An act to authorize the Baptist church and society of the town of Massena, St. Lawrence county, to convey their old parsonage lot to trustees, to be used and disposed of for the purpose of maintaining a hall for lectures and public meetings. Passed May 15, 1876.

- CHAP. 283.** An act to extend the boundaries of the village of Niagara Falls. Passed May 15, 1876.*
- CHAP. 284.** An act to amend chapter three hundred and twenty-five of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York," passed May fifth, eighteen hundred and seventy-four. Passed May 15, 1876; three-fifths being present.
- CHAP. 285.** An act to amend an act entitled "An act to amend the charter of the village of Avon," passed April twenty-two, eighteen hundred and sixty-seven. Passed May 15, 1876; three-fifths being present.
- CHAP. 286.** An act to release the interest of the people of the State of New York in certain real estate to Frederick Zinsser. Passed May 15, 1876, by a two-third vote.
- CHAP. 287.** An act to amend chapter two hundred and forty of the laws of eighteen hundred and forty-seven, entitled "An act to amend the act entitled 'An act respecting elections other than for militia and town officers,' passed April fifth, eighteen hundred and forty-two." Passed May 15, 1876; three-fifths being present.
- CHAP. 288.** An act to amend chapter three hundred and thirty-five of the laws of eighteen hundred and sixty-nine, entitled "An act to provide a charter for the village of Oneida." Passed May 15, 1876; three-fifths being present.
- CHAP. 289.** An act to amend chapter three hundred and eighty-six of the laws of eighteen hundred and seventy-five, entitled "An act to further amend the charter of the village of Delhi," passed May seventeen, eighteen hundred and seventy-five. Passed May 15, 1876; three-fifths being present.
- CHAP. 290.** An act in relation to the care and investment of the Adam Haverling school fund in the hands of the trustees of the village of Bath. Passed May 15, 1876.
- CHAP. 291.** An act making an appropriation to the commissioners of emigration to enable them to perform the duties imposed upon them by law. Passed May 15, 1876; by a two-third vote.
- CHAP. 292.** An act to authorize the trustees of the village of Greenbush to sell and convey or otherwise dispose of the public park on the west side of East street in said village, or any part thereof. Passed May 15, 1876; three-fifths being present.
- CHAP. 293.** An act empowering the village of Wellsville to raise, by tax, a fund for the building of sidewalks. Passed May 15, 1876; three-fifths being present.
- CHAP. 294.** An act to ratify and confirm the proceedings to incorporate the Oneida Gas Light Company of Oneida, Madison county, and to legalize and confirm its acts. Passed May 15, 1876; three-fifths being present.
- CHAP. 295.** An act to authorize the presiding judge or justice of courts of oyer and terminer to grant new trials. Passed May 15, 1876.
- CHAP. 296.** An act to provide for the determination and payment of the amount due by the city of New York to that portion of the town of Westchester which, prior to January one, eighteen hundred and seventy-four, was part of joint union school district number two, of the town of West Farms, for school property taken by the city of New York. Passed May 15, 1876; three-fifths being present.
- CHAP. 297.** An act to prohibit the disposal of any part of the public lands on lake George or the islands thereof. Passed May 15, 1876.
- CHAP. 298.** An act changing the time for holding tax-meetings in the village of Green Island. Passed May 15, 1876.
- CHAP. 299.** An act entitled an act to enable the records of the signal service department of the United States to be received and read in evidence. Passed May 15, 1876.
- CHAP. 300.** An act for the relief of Patrick McCabe. Passed May 15, 1876; three-fifths being present.
- CHAP. 301.** An act for the relief of John Christmann and Patrick Dunn. Passed May 15, 1876, by a two-third vote.
- CHAP. 302.** An act to authorize the comptroller to audit and allow certain accounts for supplies furnished to the State prisons. Passed May 15, 1876; three-fifths being present.

* So in the original.

- CHAP. 303.** An act to confirm the official acts of John J. Harmon, Nelson R. Crandall, and R. L. Cobb, commissioners of excise, in and for the town of Andover, in the county of Allegany, and to enable them to execute a bond to the supervisor thereof. Passed May 15, 1876; three-fifths being present.
- CHAP. 304.** An act for the relief of "The Orphan Asylum Society of the City of Brooklyn." Passed May 15, 1876, by a two-third vote.
- CHAP. 305.** An act for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the towns of New Utrecht and Gravesend, in Kings county. Passed May 15, 1876; three-fifths being present.
- CHAP. 306.** An act to amend chapter two hundred and forty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to provide for the incorporation of villages, passed December seven, eighteen hundred and forty-seven, and the several acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester." Passed May 15, 1876; three-fifths being present.
- CHAP. 307.** An act to amend an act passed May eleventh, eighteen hundred and sixty-nine, entitled "An act to lay out and improve a public highway, or avenue, from Prospect Park in the city of Brooklyn, toward Coney Island in the county of Kings." Passed May 15, 1876; three-fifths being present.
- CHAP. 308.** An act to amend section two of chapter five hundred and fourteen of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the election of police justices in villages." Passed May 15, 1876; three-fifths being present.
- CHAP. 309.** An act to legalize the official acts of D. K. Coon, a justice of the peace of the town of Tyrone, Schuylcr county. Passed May 15, 1876; three-fifths being present.
- CHAP. 310.** An act to authorize the Associated Reformed Presbyterian Church of North Kortright, Delaware county, to change its corporate name, and to legalize the acts of the trustees of said church, heretofore done under the name of trustees of the United Presbyterian Church of North Kortright, and to legalize all the proceedings had by said church under the name of said United Presbyterian Church. Passed May 15, 1876; three-fifths being present.
- CHAP. 311.** An act to authorize James C. McAndrew to take, hold and convey real estate. Passed May 15, 1876; by a two-third vote.
- CHAP. 312.** An act to confirm and legalize the acts of Gabriel S. Corwin, as notary public of the county of Genesee, since March thirtieth, in the year of our Lord, eighteen hundred and seventy-five. Passed May 15, 1876.
- CHAP. 313.** An act to incorporate the Callicoon Bridge Company, in Sullivan county. Passed May 15, 1876; three-fifths being present.
- CHAP. 314.** An act to incorporate the Buffalo Bar Association. Passed May 15, 1876; three-fifths being present.
- CHAP. 315.** An act to enable the Skaneateles Railroad Company to have, own and operate steamboats. Passed May 15, 1876.
- CHAP. 316.** An act relative to judgments entered upon forfeited recognizances in the city and county of New York. Passed May 15, 1876.
- CHAP. 317.** An act to amend section sixteen, title three, chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, to release firemen from the payment of poll tax. Passed May 15, 1876; three-fifths being present.
- CHAP. 318.** An act to authorize the appointment of a librarian to take charge of the library of the third judicial district, and to provide for the insurance thereof. Passed May 15, 1876; three-fifths being present.
- CHAP. 319.** An act to amend chapter four hundred and forty-six of the laws of eighteen hundred and sixty, entitled "An act for the protection of boarding-house keepers." Passed May 15, 1876; three-fifths being present.
- CHAP. 320.** An act to amend chapter two hundred and nine of the laws of eighteen hundred and seventy-one, entitled "An act to authorize the extension of the Cherry Valley, Sharon and Albany Railroad into or through any town in the counties of Otsego or Herkimer, and to facilitate the construction thereof." passed March twenty-nine, eighteen hundred and seventy-one. Passed May 15, 1876.

- CHAP. 283.** An act to extend the boundaries of the village of Niagara Falls. Passed May 15, 1876.*
- CHAP. 284.** An act to amend chapter three hundred and twenty-five of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York," passed May fifth, eighteen hundred and seventy-four. Passed May 15, 1876; three-fifths being present.
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- CHAP. 305.** An act for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the towns of New Utrecht and Gravesend, in Kings county. Passed May 15, 1876; three-fifths being present.
- CHAP. 306.** An act to amend chapter two hundred and forty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to provide for the incorporation of villages, passed December seven, eighteen hundred and forty-seven, and the several acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester." Passed May 15, 1876; three-fifths being present.
- CHAP. 307.** An act to amend an act passed May eleventh, eighteen hundred and sixty-nine, entitled "An act to lay out and improve a public highway, or avenue, from Prospect Park in the city of Brooklyn, toward Coney Island in the county of Kings." Passed May 15, 1876; three-fifths being present.
- CHAP. 308.** An act to amend section two of chapter five hundred and fourteen of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the election of police justices in villages." Passed May 15, 1876; three-fifths being present.
- CHAP. 309.** An act to legalize the official acts of D. K. Coon, a justice of the peace of the town of Tyrone, Schuyler county. Passed May 15, 1876; three-fifths being present.
- CHAP. 310.** An act to authorize the Associated Reformed Presbyterian Church of North Kortright, Delaware county, to change its corporate name, and to legalize the acts of the trustees of said church, heretofore done under the name of trustees of the United Presbyterian Church of North Kortright, and to legalize all the proceedings had by said church under the name of said United Presbyterian Church. Passed May 15, 1876; three-fifths being present.
- CHAP. 311.** An act to authorize James C. McAndrew to take, hold and convey real estate. Passed May 15, 1876; by a two-third vote.
- CHAP. 312.** An act to confirm and legalize the acts of Gabriel S. Corwin, as notary public of the county of Genesee, since March thirtieth, in the year of our Lord, eighteen hundred and seventy-five. Passed May 15, 1876.
- CHAP. 313.** An act to incorporate the Callicoon Bridge Company, in Sullivan county. Passed May 15, 1876; three-fifths being present.
- CHAP. 314.** An act to incorporate the Buffalo Bar Association. Passed May 15, 1876; three-fifths being present.
- CHAP. 315.** An act to enable the Skaneateles Railroad Company to have, own and operate steamboats. Passed May 15, 1876.
- CHAP. 316.** An act relative to judgments entered upon forfeited recognizances in the city and county of New York. Passed May 15, 1876.
- CHAP. 317.** An act to amend section sixteen, title three, chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, to release firemen from the payment of poll tax. Passed May 15, 1876; three fifths being present.
- CHAP. 318.** An act to authorize the appointment of a librarian to take charge of the library of the third judicial district, and to provide for the insurance thereof. Passed May 15, 1876; three-fifths being present.
- CHAP. 319.** An act to amend chapter four hundred and forty-six of the laws of eighteen hundred and sixty, entitled "An act for the protection of boarding-house keepers." Passed May 15, 1876; three-fifths being present.
- CHAP. 320.** An act to amend chapter two hundred and nine of the laws of eighteen hundred and seventy-one, entitled "An act to authorize the extension of the Cherry Valley, Sharon and Albany Railroad into or through any town in the counties of Otsego or Herkimer, and to facilitate the construction thereof," passed March twenty-nine, eighteen hundred and seventy-one. Passed May 15, 1876.

- CHAP. 321.** An act to amend chapter two hundred and twenty-seven of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Round Lake Camp Meeting Association of the Methodist Episcopal Church of the Troy Conference." Passed May 15, 1876; three-fifths being present.
- CHAP. 322.** An act to authorize the village of Moravia, in the county of Cayuga, to assess, levy and collect a certain sum for procuring lamps to light the streets of said village." Passed May 15, 1876; three-fifths being present.
- CHAP. 323.** An act to release certain lands which have escheated to the State to Charity Rix, widow of John Rix, late of the town of Farmersville, in Cattaraugus county. Passed May 15, 1876, by a two-third vote.
- CHAP. 324.** An act to regulate the collection of taxes and assessments for local improvements in the city of Brooklyn. Passed May 15, 1876; three-fifths being present.
- CHAP. 325.** An act authorizing the board of supervisors of the county of Kings to raise money for the erection of a bell tower and the purchase of a bell for the benefit of the fire department of the town of New Lots, in said county of Kings. Passed May 15, 1876; three-fifths being present.
- CHAP. 326.** An act to authorize the board of supervisors of Kings county to raise* for temporary relief of the out-door poor, and to pay deficiencies in the salary accounts of the Commissioners of Charities. Passed May 15, 1876; three-fifths being present.
- CHAP. 327.** An act to amend an act entitled "An act to authorize William Beard and others to erect, construct, build and maintain sea-walls or break-water piers, docks, wharves, bulk-heads, piers and warehouses, and a basin for commercial use in front of their lands in the twelfth ward of the city of Brooklyn," passed April twenty-fourth, eighteen hundred and sixty-two, and also to amend an act bearing the same title, passed April thirtieth, eighteen hundred and sixty-six, passed May twentieth, eighteen hundred and seventy-five. Passed May 15, 1876; three-fifths being present.
- CHAP. 328.** An act in relation to arrears of taxes and assessments in the city of Brooklyn. Passed May 15, 1876; three-fifths being present.
- CHAP. 329.** An act securing to Baptist churches of the State of New York the benefits of incorporation, and repealing chapter six hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled 'An act to provide for the incorporation of religious societies,'" passed April fifth, eighteen hundred and thirteen. Passed May 15, 1876.
- CHAP. 330.** An act further to amend chapter forty-seven of the laws of eighteen hundred and thirty-seven, entitled "An act to incorporate the Young Men's Association of the city of Buffalo." Passed May 15, 1876.
- CHAP. 331.** An act in relation to the Western New York Institution for Deaf-Mutes. Passed May 15, 1876; three-fifths being present.
- CHAP. 332.** An act in relation to the Clyde high school, in the village of Clyde, Wayne county. Passed May 15, 1876; three-fifths being present.
- CHAP. 333.** An act to amend chapter six hundred and forty-four of the laws of eighteen hundred and seventy-three, in relation to the crime of murder. Passed May 15, 1876; three-fifths being present.
- CHAP. 334.** An act to change the name of the Knickerbocker Plate Glass and Accidental Insurance Company of New York. Passed May 15, 1876.
- CHAP. 335.** An act to amend section twenty-three, title two, of the amended charter of the city of Brooklyn, passed June twenty-eighth, eighteen hundred and seventy-three. Passed May 15, 1876; three-fifths being present.
- CHAP. 336.** An act to provide for the payment of an award due from the city of Brooklyn to the Brooklyn park commissioners for lands taken from Prospect park for reservoir purposes. Passed May 15, 1876; three-fifths being present.
- CHAP. 337.** An act to exempt that portion of the towns of Flatbush and New Utrecht, in the county of Kings, being the place known as Parkville (an unincorporated village), from the operations and provisions of a certain act passed May seventh, eighteen hundred and sixty-nine, entitled "An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county," and such other acts as are supplementary thereto, and amendatory thereof, in so far as said act and acts relate to the opening of new streets and avenues in said Parkville, and in closing old ones therein, and to declare certain streets, roads and avenues therein to be public highways. Passed May 15, 1876; three-fifths being present.

- CHAP. 338.** An act to authorize the county judge of the county of Kings and the surrogate of said county to appoint an interpreter for their courts and to provide for his compensation therefor. Passed May 15, 1876; three-fifths being present.
- CHAP. 339.** An act authorizing the appointment of extra guard and an engineer at the Auburn prison. Passed May 15, 1876; three-fifths being present.
- CHAP. 340.** An act to amend the act entitled "An act to construct and protect sidewalks along highways," passed March tenth, eighteen hundred and sixty. Passed May 15, 1876; three-fifths being present.
- CHAP. 341.** An act regulating the forfeiture of life insurance policies. Passed May 15, 1876.
- CHAP. 342.** An act to amend chapter six hundred and forty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Shelter Island Grove and Camp Meeting Association of the Methodist Episcopal Church," and supplementary thereto. Passed May 15, 1876.
- CHAP. 343.** An act supplementary to chapter four hundred and ninety-two of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Home for the Friendless in Northern New York." Passed May 15, 1876; three-fifths being present.
- CHAP. 344.** An act to release the interest of the people of the State of New York in certain real estate in the town of Ticonderoga, in the county of Essex, to Margaret Rodgers. Passed May 15, 1876, by a two-third vote.
- CHAP. 345.** An act to provide for submitting amendments to the Constitution to the electors of the State. Passed May 15, 1876; three-fifths being present.
- CHAP. 346.** An act further to amend chapter four hundred and twenty-five of the laws of eighteen hundred and fifty-five, entitled "An act to facilitate the forming of agricultural and horticultural societies." Passed May 15, 1876; three-fifths being present.
- CHAP. 347.** An act to amend chapter eight hundred and thirty-one of the laws of eighteen hundred and seventy-one, entitled "An act for the protection of private parks and grounds, and to encourage the propagation of fish and game." Passed May 15, 1876; three-fifths being present.
- CHAP. 348.** An act to amend section thirty-two, part first, title one, article three, chapter sixteen of the Revised Statutes. Passed May 15, 1876; three-fifths being present.
- CHAP. 349.** An act to enable the trustees of the village of Skaneateles, in the county of Onondaga, to raise money by tax for the payment of certain indebtedness created during the year eighteen hundred and seventy-five, and including the year eighteen hundred and seventy-six. Passed May 15, 1876; three-fifths being present.
- CHAP. 350.** An act to amend chapter forty-eight of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the Odd Fellows' Hall Association of Watertown." Passed May 15, 1876; three-fifths being present.
- CHAP. 351.** An act to amend section two of chapter six hundred and seven of the laws of eighteen hundred and sixty-nine, passed May fifth, eighteen hundred and sixty-nine, relating to the rates of fare on the Troy and Boston railroad. Passed May 15, 1876; three-fifths being present.
- CHAP. 352.** An act to amend chapter five hundred and eighty-three of the laws of eighteen hundred and seventy-four, entitled "An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings." Passed May 16, 1876; three-fifths being present.
- CHAP. 353.** An act in relation to the Merchants' Loan Company. Passed May 19, 1876.
- CHAP. 354.** An act to extend the time for the organization of the International Trust Company of New York. Passed May 19, 1876; three-fifths being present.
- CHAP. 355.** An act to extend the time for the organization of the Mutual Trust Institution of the city of New York. Passed May 17, 1876.
- CHAP. 356.** An act in relation to summary proceedings in the city of New York to recover the possession of lands for non-payment of rent, and for holding over after expiration of term. Passed May 19, 1876; three-fifths being present.

- CHAP. 357.** An act to amend section one of chapter one hundred and seventy of the laws of eighteen hundred and seventy-five, entitled "An act to amend section nine of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'" Passed May 19, 1876.
- CHAP. 358.** An act to amend chapter eight hundred and thirty-eight of the laws of eighteen hundred and sixty-six, entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February seventeenth, eighteen hundred and forty-eight." Passed May 19, 1876.
- CHAP. 359.** An act to amend chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, entitled "An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein," passed May twenty-eight, eighteen hundred and seventy-five. Passed May 19, 1876; three-fifths being present.
- CHAP. 360.** An act to facilitate the distribution of the property and effects of the Ashbury Life Insurance Company. Passed May 19, 1876.
- CHAP. 361.** An act to amend an act entitled "An act to incorporate the Brooklyn Young Men's Christian Association," passed May eight, eighteen hundred and sixty-nine. Passed May 19, 1876.
- CHAP. 362.** An act to consolidate the corporations entitled "The proprietors of the Long Wharf at Sag Harbor," and "The Sag Harbor Wharf Company," and relating to the franchises and property thereof. Passed May 19, 1876, by a two-third vote.
- CHAP. 363.** An act to repeal part of chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend the act passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend the act passed February seventeen, eighteen hundred and forty-eight,' entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed April twentieth, eighteen hundred and seventy-one.'" Passed May 19, 1876.
- CHAP. 364.** An act for the relief of Josiah Sullivan. Passed May 19, 1876; three-fifths being present.
- CHAP. 365.** An act relative to lands held in trust by Charles H. Holden, for the benefit of Harriet Perry and certain of her descendants. Passed May 19, 1876.
- CHAP. 366.** An act to amend chapter five hundred and eighty-six of the laws of eighteen hundred and seventy-three, entitled "An act to amend the twenty-third section of article first, title four, chapter second, part fourth, of the Revised Statutes, entitled of the return and summoning of grand juries, their powers and duties.'" Passed May 20, 1876; three-fifths being present.
- CHAP. 367.** An act to amend and make additions to chapter four hundred and sixty-three of the laws of eighteen hundred and sixty, entitled "An act to revise the charter of the city of Oswego," and the acts amendatory thereof. Passed May 20, 1876; three-fifths being present.
- CHAP. 368.** An act to amend chapter seven hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown," passed May eighth, eighteen hundred and sixty-nine, and also to amend chapter eight hundred and ten of the laws of eighteen hundred and seventy-one, entitled "An act to amend an act entitled 'An act to incorporate the city of Watertown,' passed May eighth, eighteen hundred and sixty-nine, and to confirm the acts of the common council in reference to local assessments for local improvements," passed May twenty-eighth, eighteen hundred and seventy-one. Passed May 20, 1876; three-fifths being present.
- CHAP. 369.** An act to authorize the city of Watertown to levy a tax and to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness. Passed May 20, 1876; three-fifths being present.
- CHAP. 370.** An act to authorize the city of Elmira to borrow money, and issue the bonds of the city therefor in payment of the floating debt of said city. Passed May 20, 1876; three-fifths being present.

- CHAP. 371.** An act to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica." Passed May 20, 1876; three-fifths being present.
- CHAP. 372.** An act to amend chapter four hundred and twenty-one of the laws of eighteen hundred and seventy-four, entitled "An act to secure to children the benefits of an elementary education." Passed May 20, 1876; three-fifths being present.
- CHAP. 373.** An act to provide for the formation of road districts, in certain cases within the corporate jurisdiction of plank and turnpike road companies, and for the maintenance and improvements of roads therein. Passed May 20, 1876; three-fifths being present.
- CHAP. 374.** An act to amend section nine of chapter five hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled 'An act to revise and consolidate the general acts relating to public instruction.'" Passed May 20, 1876; three-fifths being present.
- CHAP. 375.** An act to amend an act entitled "An act to amend an act entitled 'An act for the relief of the surviving members of the first regiment of New York Volunteers, who served in the war with Mexico.'" Passed May 20, 1876, by a two-third vote.
- CHAP. 376.** An act to prevent the deposit of mud, earth, soil, ashes, or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof. Passed May 20, 1876; three-fifths being present.
- CHAP. 377.** An act to authorize the city of Rochester to exchange the mortgage bonds issued by the Rochester, Nunda and Pennsylvania Railroad Company to such city, for second mortgage bonds upon the section of such railroad lying between "Rosses," on the Buffalo division of the Erie railway, and Sonyea, in Livingston county. Passed May 20, 1876; three-fifths being present.
- CHAP. 378.** An act to provide for the election of school commissioners in the city of Binghamton. Passed May 20, 1876; three-fifths being present.
- CHAP. 379.** An act to amend an act entitled "An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson, passed May first, eighteen hundred and seventy-two, passed May twenty-first, eighteen hundred and seventy-three, and to repeal chapter five hundred and one of the laws of eighteen hundred and seventy-five." Passed May 20, 1876; three-fifths being present.
- CHAP. 380.** An act to amend an act entitled "An act to revise and consolidate the several laws in relation to the village of Whitehall, passed March sixteenth, eighteen hundred and fifty, and other acts amendatory thereof." Passed May 20, 1876; three-fifths being present.
- CHAP. 381.** An act to provide ways and means for the support of government. Passed May 20, 1876; three-fifths being present.
- CHAP. 382.** An act appointing commissioners to investigate certain lateral canals of this State, and to report upon the disposition to be made thereof. Passed May 20, 1876; three-fifths being present.
- CHAP. 383.** An act to reappropriate certain moneys in the treasury heretofore appropriated for the rebuilding of Glens Falls feeder to the Champlain canal. Passed May 20, 1876; three fifths being present.
- CHAP. 384.** An act respecting the powers of the Canal Board, and the adjustment of tolls. Passed May 20, 1876; three-fifths being present.
- CHAP. 385.** An act relating to the appointment and duties of engineers employed on the canals of this State. Passed May 23, 1876; three-fifths being present.
- CHAP. 386.** An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-six, and to provide for deficiencies in former appropriation. Passed May 23, 1876; three-fifths being present.
- CHAP. 387.** An act to encourage improvement in steam canal propulsion in this State. Passed May 23, 1876.
- CHAP. 388.** An act to enlarge the powers of the Canal Board. Passed May 23, 1876 three-fifths being present.

- CHAP. 389. An act to amend chapter five hundred and four of the laws of eighteen hundred and seventy-five, entitled An act to amend chapter four hundred and fifty-five of the laws of eighteen hundred and seventy-four, entitled An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also of Clyde and Seneca rivers, in the counties of Wayne and Cayuga. Passed May 24, 1876; three-fifths being present.
- CHAP. 390. An act to amend chapter two hundred and ninety of the laws of eighteen hundred and fifty-five, entitled "An act in relation to courts of special sessions in, and to regulate the police of the county of Rensselaer." Passed May 24, 1876; three-fifths being present.
- CHAP. 391. An act in relation to the inspection and running of steamboats on Chautauqua lake. Passed May 24, 1876.
- CHAP. 392. An act to amend an act entitled "An act to incorporate the village of Springville," passed April eleven, eighteen hundred and thirty-four. Passed May 24, 1876; three-fifths being present.
- CHAP. 393. An act to amend chapter ninety of the laws of eighteen hundred and seventy, entitled "An act in relation to the manual labor school upon the Tonawanda reservation.", Passed May 24, 1876; three-fifths being present.
- CHAP. 394. An act to further amend the act entitled "An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school," passed April sixth, eighteen hundred and fifty-nine. Passed May 24, 1876; three-fifths being present.
- CHAP. 395. An act for the protection and propagation of fish in the waters of Tonawanda creek, in Genesee county. Passed May 24, 1876; three-fifths being present.
- CHAP. 396. An act to amend chapter two hundred and seventy-seven of the laws of eighteen hundred and seventy-five, entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," so as to exempt Chautauqua lake from certain provisions of said act. Passed May 24, 1876; three-fifths being present.
- CHAP. 397. An act to legalize the action of the board of supervisors of the county of Niagara concerning the duties and compensation of the superintendent of the poor of said county, and to confer upon said board of supervisors further powers and duties. Passed May 24, 1876; three-fifths being present.
- CHAP. 398. An act to provide for the election and compensation of coroners in the county of Rensselaer. Passed May 24, 1876; three-fifths being present.
- CHAP. 399. An act to amend an act entitled "An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake with the highway running from the lake to Rockland lake landing, in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh," passed April twenty-one, eighteen hundred and seventy-one, as amended and extended by an act entitled as above, and to extend Highland avenue south to the State line, passed April twenty-four, eighteen hundred and seventy-two, as further amended by an act entitled as last above, passed April twenty-three, eighteen hundred and seventy-three. Passed May 24, 1876; three-fifths being present.
- CHAP. 400. An act to amend chapter three hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act for the preservation of fish in Chautauqua lake." Passed May 24, 1876; three-fifths being present.
- CHAP. 401. An act to confirm and legalize the acts of David Day, Second, John B. Chandler and Thomas C. Mills, commissioners duly appointed pursuant to chapter eight hundred and eighty-eight of the laws of eighteen hundred and sixty-nine, to open and deepen Birch creek, in St. Lawrence county, and drain swamp lands, in making their determination to make the improvements referred to in their petition to the county judge and their assessment therefor, with rights of appeal and to provide for a further assessment. Passed May 24, 1876; three-fifths being present.
- CHAP. 402. An act to declare Swiss creek, in Lewis county, a public highway. Passed May 24, 1876; three-fifths being present.
- CHAP. 403. An act to declare Independence creek and its tributaries, in Lewis county, a public highway. Passed May 24, 1876; three-fifths being present.

- CHAP. 404.** An act to abolish the office of railroad commissioner in the town of German Flats, in Herkimer county, and to provide for the performance of the duties of such commissioners. Passed May 24, 1876; three-fifths being present.
- CHAP. 405.** An act to authorize the town of Saugerties, in the county of Ulster, to raise money to build a dock, and ceding to said town of Saugerties certain lands under the waters of the Hudson river for the purpose thereof. Passed May 24, 1876, by a two-third vote.
- CHAP. 406.** An act to amend chapter two hundred and ninety-four, laws of eighteen hundred and thirty-one, being an act incorporating the village of Plattsburgh, passed April twenty-six, eighteen hundred and thirty-one. Passed May 24, 1876; three-fifths being present.
- CHAP. 407.** An act extending the powers of the trustees of the village of Canandaigua. Passed May 24, 1876; three-fifths being present.
- CHAP. 408.** An act to authorize municipal corporations in the counties of Clinton, Essex and Washington, to sell stock held by them in the New York and Canada railroad company. Passed May 24, 1876; three-fifths being present.
- CHAP. 409.** An act to enable the court of general sessions of the peace of the city and county of New York to appoint an interpreter. Passed May 24, 1876; three-fifths being present.
- CHAP. 410.** An act relinquishing title and jurisdiction to the United States over certain land covered with water at West Point. Passed May 25, 1876, by a two-third vote.
- CHAP. 411.** An act to amend chapter three hundred and twenty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to re-enact and amend an act, entitled 'An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,'" passed May twenty-three, eighteen hundred and seventy-three. Passed May 25, 1876; three-fifths being present.
- CHAP. 412.** An act making appropriations for the payment of the principal and the interest of the canal debt for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-six, and to provide for the payment of the principal and interest of the debt contracted under section twelve of article seven of the Constitution. Passed May 25, 1876; three-fifths being present.
- CHAP. 413.** An act in relation to the clerks, officers and attendants of the marine court of the city of New York. Passed May 25, 1876; three-fifths being present.
- CHAP. 414.** An act to amend chapter six hundred and seventy-one, laws of eighteen hundred and fifty-seven, entitled "An act to establish regulations for the port of New York." Passed May 25, 1876; three-fifths being present.
- CHAP. 415.** An act supplementary to chapter seven hundred and thirty-seven, laws of eighteen hundred and seventy-three, entitled "An act in relation to the creation and formation of water-works companies in towns and villages of the State of New York." Passed May 25, 1876; three-fifths being present.
- CHAP. 416.** An act to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes." Passed May 25, 1876; three-fifths being present.
- CHAP. 417.** An act to authorize the common council of the city of Syracuse to appropriate and expend five thousand dollars toward the expenses of celebrating the fourth day of July, eighteen hundred and seventy-six. Passed May 25, 1876; three-fifths being present.
- CHAP. 418.** An act further to amend chapter five hundred and ten of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to incorporate the village of Flushing,' passed April fifteenth, eighteen hundred and thirty-seven, and the several acts amendatory thereof, passed March twentieth, eighteen hundred and fifty-seven." Passed May 25, 1876; three-fifths being present.
- CHAP. 419.** An act to provide for the payment of expenses incurred by the city of Auburn, in making improvements in front of property owned by the State. Passed May 25, 1876; three-fifths being present.
- CHAP. 420.** An act to provide for the maintenance, support and government of the poor in Queens county. Passed May 25, 1876; three-fifths being present.

- CHAP. 421.** An act to authorize the trustees of the First Baptist Church and Society of the town of Somerset, Niagara county, to sell and convey their real estate. Passed May 25, 1876; three-fifths being present.
- CHAP. 422.** An act relating to unpaid taxes in Long Island City. Passed May 25, 1876; three-fifths being present.
- CHAP. 423.** An act to amend chapter three hundred and fourteen of the laws of eighteen hundred and seventy-four, entitled "An act to establish a board of police and fire commissioners of the city of Utica." Passed May 25, 1876; three-fifths being present.
- CHAP. 424.** An act in relation to streets in Long Island City. Passed May 25, 1876; three-fifths being present.
- CHAP. 425.** An act to provide for the completion or cancellation of all pending contracts for new work upon and extraordinary repairs of the canals; and making an appropriation to pay the expenses of such necessary extraordinary repairs as may be approved of and directed by the Canal Board. Passed May 25, 1876; three-fifths being present.
- CHAP. 426.** An act to enable a wife to be a witness in cases of criminal conversation. Passed May 26, 1876.
- CHAP. 427.** An act to amend chapter three hundred and twenty-eight of the laws of eighteen hundred and sixty-six, entitled "An act to provide for the completion of a public highway in the counties of Essex and Franklin, and applying the non-resident highway taxes upon certain lands in the said county of Essex for that purpose," and the act amending the same, passed April twelfth, eighteen hundred and seventy-one. Passed May 26, 1876; three-fifths being present.
- CHAP. 428.** An act to amend chapter three hundred and thirty-three of the laws of eighteen hundred and seventy-two, entitled "An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township number twenty-five, in Franklin county." Passed May 26, 1876.
- CHAP. 429.** An act to provide for payment for the use and occupation of armories and drill-rooms in the city of New York." Passed May 26, 1876; three-fifths being present.
- CHAP. 430.** An act to amend chapter five hundred and sixty-nine of the laws of eighteen hundred and seventy, entitled "An act to authorize the sale of the lands belonging to and occupied by the 'Seamen's Retreat,' on Staten Island." Passed May 26, 1876, by a two-third vote.
- CHAP. 431.** An act further to amend chapter three hundred and seventy-nine of the laws of eighteen hundred and forty-eight, entitled "An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State." Passed May 26, 1876.
- CHAP. 432.** An act to provide for a further supply of pure and wholesome water for the twenty-third and twenty-fourth wards of the city of New York." Passed May 27, 1876; three-fifths being present.
- CHAP. 433.** An act to amend chapter fifty-six of the laws of eighteen hundred and seventy-one, entitled "An act to provide a further supply of pure and wholesome water for the city of New York." Passed May 27, 1876; three-fifths being present.
- CHAP. 434.** An act to provide for the audit and payment of claims for repairs, printing, labor and other incidental matters in and about public school buildings, incurred during the years eighteen hundred and sixty-nine, eighteen hundred and seventy, eighteen hundred and seventy-one and eighteen hundred and seventy-two, by the trustees of the common schools of the several wards of the city of New York, and to provide means therefor. Passed June 1, 1876; three-fifths being present.
- CHAP. 435.** An act to amend chapter two hundred and ten of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of companies to construct plank-roads and of companies to construct turnpike roads," passed May seven, eighteen hundred and forty-seven. Passed June 2, 1876.
- CHAP. 436.** An act to amend chapter six hundred and four of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the surveying, laying out and monumenting of certain portions of the city and county of New York, and to provide means therefor. Passed June 2, 1876; three-fifths being present.

- CHAP. 437. An act to amend the charter of the American Institute of the city of New York. Passed June 2, 1876; three-fifths being present.
- CHAP. 438. An act to re-appropriate moneys for the payment of awards made by the Canal Appraisers, and expenses attending the same, and the payment of awards made by the Canal Board. Passed June 2, 1876; three-fifths being present.
- CHAP. 439. An act relating to the expenses of judicial sales in the county of Kings. Passed June 2, 1876; three-fifths being present.
- CHAP. 440. An act to amend an act entitled "An act to incorporate the city of Cohoes, passed May nineteenth, eighteen hundred and sixty-nine, and the acts amendatory of the same, passed May eleventh, eighteen hundred and seventy-one," passed March fourth, eighteen hundred and seventy-two. Passed June 2, 1876; three-fifths being present.
- CHAP. 441. An act to release to Mary H. Halsted certain real estate in the city of Albany, and also all the personal property of which Louisa Elizabeth Wright, lately her aunt-in-law, died seized and possessed. Passed June 2, 1876, by a two-third vote.
- CHAP. 442. An act relative to the dissolution of corporations. Passed June 2, 1876; three-fifths being present.
- CHAP. 443. An act supplemental to the act entitled "An act to revise the charter of the city of Syracuse," passed March third, eighteen hundred and fifty-seven, and the acts amendatory thereto. Passed June 2, 1876; three-fifths being present.
- CHAP. 444. An act to establish a State Board of Audit, and to define its powers and duties. Passed June 2, 1876; three-fifths being present.
- CHAP. 445. An act in relation to that portion of the Great Western Turnpike Road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east and the west line of the proposed new boulevard, intersecting the said road west of Allen street, in said city on the west. Passed June 2, 1876; three-fifths being present.
- CHAP. 446. An act to amend chapter four hundred and thirty of the laws of eighteen hundred and seventy-four, entitled "An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases." Passed June 2, 1876.
- CHAP. 447. An act in relation to Riverside avenue and park, in the city of New York. Passed June 2, 1876, three-fifths being present.
- CHAP. 448. An act relative to courts, officers of justice, and civil proceedings. Passed June 2, 1876; three-fifths being present.
- CHAP. 449. An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the legislature, entitled "An act relating to courts, officers of justice, and civil proceedings." Passed June 2, 1876; three-fifths being present.

CONCURRENT RESOLUTIONS :

PROPOSING AN AMENDMENT *to section three of article five of the Constitution.*

Relative to the granting of subsidies by Congress in aid of the Texas Pacific Railroad, and other internal improvements.

Requesting the Senators and Representatives in Congress from this State to oppose the repeal of the resumption act of January fourteen, eighteen hundred and seventy-five.

PROPOSING AN AMENDMENT *to section four of article five of the Constitution.*

In reference to the rates of tolls on the canals to be established for the current year.

PROPOSING AN AMENDMENT *to section eleven of article eight of the Constitution, prohibiting the use or loan of public money for private purposes, and restricting the indebtedness of counties, cities, towns and villages.*

Requesting the Senators and Representatives in Congress from this State to use their influence to secure legislation for the protection of emigrants, and for the security of the cities, towns and counties of this State.

PROPOSING AN AMENDMENT *to the Constitution in relation to the schools.*

- CHAP. 421.** An act to authorize the trustees of the First Baptist Church and Society of the town of Somerset, Niagara county, to sell and convey their real estate. Passed May 25, 1876; three-fifths being present.
- CHAP. 422.** An act relating to unpaid taxes in Long Island City. Passed May 25, 1876; three-fifths being present.
- CHAP. 423.** An act to amend chapter three hundred and fourteen of the laws of eighteen hundred and seventy-four, entitled "An act to establish a board of police and fire commissioners of the city of Utica." Passed May 25, 1876; three-fifths being present.
- CHAP. 424.** An act in relation to streets in Long Island City. Passed May 25, 1876; three-fifths being present.
- CHAP. 425.** An act to provide for the completion or cancellation of all pending contracts for new work upon and extraordinary repairs of the canals; and making an appropriation to pay the expenses of such necessary extraordinary repairs as may be approved of and directed by the Canal Board. Passed May 25, 1876; three-fifths being present.
- CHAP. 426.** An act to enable a wife to be a witness in cases of criminal conversation. Passed May 26, 1876.
- CHAP. 427.** An act to amend chapter three hundred and twenty-eight of the laws of eighteen hundred and sixty-six, entitled "An act to provide for the completion of a public highway in the counties of Essex and Franklin, and applying the non-resident highway taxes upon certain lands in the said county of Essex for that purpose," and the act amending the same, passed April twelfth, eighteen hundred and seventy-one. Passed May 26, 1876; three-fifths being present.
- CHAP. 428.** An act to amend chapter three hundred and thirty-three of the laws of eighteen hundred and seventy-two, entitled "An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township number twenty-five, in Franklin county." Passed May 26, 1876.
- CHAP. 429.** An act to provide for payment for the use and occupation of armories and drill-rooms in the city of New York." Passed May 26, 1876; three-fifths being present.
- CHAP. 430.** An act to amend chapter five hundred and sixty-nine of the laws of eighteen hundred and seventy, entitled "An act to authorize the sale of the lands belonging to and occupied by the 'Seamen's Retreat,' on Staten Island." Passed May 26, 1876, by a two-third vote.
- CHAP. 431.** An act further to amend chapter three hundred and seventy-nine of the laws of eighteen hundred and forty-eight, entitled "An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State." Passed May 26, 1876.
- CHAP. 432.** An act to provide for a further supply of pure and wholesome water for the twenty-third and twenty-fourth wards of the city of New York." Passed May 27, 1876; three-fifths being present.
- CHAP. 433.** An act to amend chapter fifty-six of the laws of eighteen hundred and seventy-one, entitled "An act to provide a further supply of pure and wholesome water for the city of New York." Passed May 27, 1876; three-fifths being present.
- CHAP. 434.** An act to provide for the audit and payment of claims for repairs, printing, labor and other incidental matters in and about public school buildings, incurred during the years eighteen hundred and sixty-nine, eighteen hundred and seventy, eighteen hundred and seventy-one and eighteen hundred and seventy-two, by the trustees of the common schools of the several wards of the city of New York, and to provide means therefor. Passed June 1, 1876; three-fifths being present.
- CHAP. 435.** An act to amend chapter two hundred and ten of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of companies to construct plank-roads and of companies to construct turnpike roads," passed May seven, eighteen hundred and forty-seven. Passed June 2, 1876.
- CHAP. 436.** An act to amend chapter six hundred and four of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the surveying, laying out and monumenting of certain portions of the city and county of New York, and to provide means therefor. Passed June 2, 1876; three-fifths being present.

- CHAP. 437. An act to amend the charter of the American Institute of the city of New York. Passed June 2, 1876; three-fifths being present.
- CHAP. 438. An act to re-appropriate moneys for the payment of awards made by the Canal Appraisers, and expenses attending the same, and the payment of awards made by the Canal Board. Passed June 2, 1876; three-fifths being present.
- CHAP. 439. An act relating to the expenses of judicial sales in the county of Kings. Passed June 2, 1876; three-fifths being present.
- CHAP. 440. An act to amend an act entitled "An act to incorporate the city of Cohoes, passed May nineteenth, eighteen hundred and sixty-nine, and the acts amendatory of the same, passed May eleventh, eighteen hundred and seventy-one," passed March fourth, eighteen hundred and seventy-two. Passed June 2, 1876; three-fifths being present.
- CHAP. 441. An act to release to Mary H. Halsted certain real estate in the city of Albany, and also all the personal property of which Louisa Elizabeth Wright, lately her aunt-in-law, died seized and possessed. Passed June 2, 1876, by a two-third vote.
- CHAP. 442. An act relative to the dissolution of corporations. Passed June 2, 1876; three-fifths being present.
- CHAP. 443. An act supplemental to the act entitled "An act to revise the charter of the city of Syracuse," passed March third, eighteen hundred and fifty-seven, and the acts amendatory thereto. Passed June 2, 1876; three-fifths being present.
- CHAP. 444. An act to establish a State Board of Audit, and to define its powers and duties. Passed June 2, 1876; three-fifths being present.
- CHAP. 445. An act in relation to that portion of the Great Western Turnpike Road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east and the west line of the proposed new boulevard, intersecting the said road west of Allen street, in said city on the west. Passed June 2, 1876; three-fifths being present.
- CHAP. 446. An act to amend chapter four hundred and thirty of the laws of eighteen hundred and seventy-four, entitled "An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases." Passed June 2, 1876.
- CHAP. 447. An act in relation to Riverside avenue and park, in the city of New York. Passed June 2, 1876, three-fifths being present.
- CHAP. 448. An act relative to courts, officers of justice, and civil proceedings. Passed June 2, 1876; three-fifths being present.
- CHAP. 449. An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the legislature, entitled "An act relating to courts, officers of justice, and civil proceedings." Passed June 2, 1876; three-fifths being present.

CONCURRENT RESOLUTIONS :

PROPOSING AN AMENDMENT *to section three of article five of the Constitution.*

Relative to the granting of subsidies by Congress in aid of the Texas Pacific Railroad, and other internal improvements.

Requesting the Senators and Representatives in Congress from this State to oppose the repeal of the resumption act of January fourteen, eighteen hundred and seventy-five.

PROPOSING AN AMENDMENT *to section four of article five of the Constitution.*

In reference to the rates of tolls on the canals to be established for the current year.

PROPOSING AN AMENDMENT *to section eleven of article eight of the Constitution, prohibiting the use or loan of public money for private purposes, and restricting the indebtedness of counties, cities, towns and villages.*

Requesting the Senators and Representatives in Congress from this State to use their influence to secure legislation for the protection of emigrants, and for the security of the cities, towns and counties of this State.

PROPOSING AN AMENDMENT *to the Constitution in relation to the schools.*



GENERAL STATUTES

OF THE

STATE OF NEW YORK,

PASSED AT THE

99th SESSION, 1876. .

CHAP. 1.

AN ACT to amend chapter three of the laws of one thousand eight hundred and forty-five, entitled "An act to prevent persons appearing disguised and armed."

PASSED January 20, 1876, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six, of chapter three, of the laws of eighteen hundred and forty-five, entitled "An act to prevent persons appearing disguised and armed," passed January twenty-eighth, eighteen hundred and forty-five, is hereby amended so as to read as follows:

§ 6. Every assemblage in public houses or other places of three or more persons disguised as aforesaid is hereby declared to be unlawful, and every individual so disguised present thereat, shall be deemed guilty of a misdemeanor, and upon conviction be punished by imprisonment in the county jail not exceeding one year, provided that nothing contained in this act shall be held or construed as prohibiting, or as rendering unlawful any peaceable assemblage for any masquerade or fancy dress ball or entertainment, or any assemblage thereof of persons masked, or as prohibiting or rendering unlawful the wearing of masks, fancy dresses, or any other disguise, by persons on their way to, or returning from, such ball or other entertainment; and provided, also, that in the cities of this State permission be first obtained from the police authorities of the said cities for the holding or giving of any such masquerade or fancy dress ball or entertainment therein, under such regulations as may be prescribed by the said police authorities.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Amending
§ 6, ch. 3,
Laws 1845.
4 Edm. 279.

Assem-
blages of
disguised
persons
in public
houses.

Masquer-
ades and
fancy
dress balls,
excepted.

Permis-
sion to be
obtained.

CHAP. 13.**AN ACT in relation to the Central New York Institution for Deaf-mutes at Rome.**

PASSED February 4, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

State
pupils.

SECTION 1. The Central New York Institution for Deaf-mutes, at Rome, is hereby authorized to receive deaf and dumb persons between the ages of twelve and twenty-five years, eligible to appointment as State pupils, and who may be appointed to it by the Superintendent of Public Instruction, and the Superintendent of Public Instruction is authorized to make such appointment to the aforesaid institution and, in his discretion, to date back the first thirty appointments to the first day of October, eighteen hundred and seventy-five.

Comptrol-
ler to pay
for sup-
port and
instruc-
tion.

§ 2. The Comptroller is directed to pay for the support and instruction of thirty pupils at the said institution in quarterly payments, the first of which shall be made on the passage of this act, the sum of nine thousand dollars appropriated by chapter three hundred and seventy-three of the laws of eighteen hundred and seventy-five, or a proportionate amount for a shorter period of time than one year or for a smaller number of pupils, upon the certificate and oath of the president and secretary of the said institution, approved by the Superintendent of Public Instruction ; and this sum shall be in full of all demands upon the State up to the first day of October, eighteen hundred and seventy-six.

§ 3. This act shall take effect immediately.

CHAP. 21.**AN ACT to authorize police justices and justices of the peace to take recognizance during trial or examination.**

PASSED February 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Justice
may take
recogniz-
ances.

SECTION 1. In any trial or examination before a police justice or justice of the peace, of any city or town, of any person charged with an offense bailable by such magistrate, whenever it shall be made to appear to the satisfaction of such justice, that such trial or examination should be continued to some other day, he may take a recognizance with sufficient surety, by two freeholders or householders, residents of the county in which the trial is being held, for the appearance before him on such day, of the person to be tried or examined ; and if such person shall fail to appear at such time and abide the final decision of said justice, the recognizance shall be deemed to be forfeited, and shall be prosecuted like other forfeited recognizances, and in addition thereto the justice may issue his warrant for the arrest of the person so let to bail.

§ 2. This act shall take effect immediately.

CHAP. 24.

AN ACT to alter the first and second judicial districts of the State as established by chapter two hundred and forty-one of the laws of eighteen hundred and forty-seven, entitled "An act to divide the State into judicial districts," so as to conform the same to the boundaries of the city of New York and of the county of Westchester as now constituted by law. Judicial districts.

PASSED February 21, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first judicial district of the State shall consist of the city of New York, as the same has been constituted by law since the first day of January, eighteen hundred and seventy-four. The second judicial district shall consist of the counties of Richmond, Suffolk, Queens, Kings, Westchester, as the same has been constituted by law since the first day of January, eighteen hundred and seventy-four, Orange, Rockland, Putnam and Dutchess.

§ 2. This act shall take effect immediately.

CHAP. 29.

AN ACT to amend chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code." National guard.

PASSED February 28, 1876; three-fifths being present, and two-thirds of the members in each house present concurring therein.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 4. Section two hundred and fifty-four of said act is hereby amended so as to read as follows:

§ 254. Whenever any non-commissioned officer, musician or private of the National Guard shall have performed service therein for the term of five years from the date of his enlistment, or for the term for which he may have re-enlisted, properly uniformed, armed and equipped, according to the provisions of this act, he or the commandant of his troop, battery or company shall be entitled to apply for his discharge from the service; and, upon his so applying, and presenting the certificate of the commandant of his troop, battery or company, that he has performed such service, and that he has turned over or satisfactorily accounted for all property issued to him, which certificate the said commandant shall give him, if warranted by the facts, or upon the commandant of his troop, battery or company so applying and certifying to such facts, the commandant of the regiment or battalion to which he belongs, or in case of a separate regiment, battalion, troop, battery or company, the commandant of the brigade or division to which it is attached, shall grant him a full discharge from the service at the expiration of three months from the date of the application; but if the application be made by the commandant of his troop, battery or company, the discharge may be granted immediately, for sufficient reason and in his discretion, by the officer authorized to grant the same. Discharge on expiration of service.

§ 5. All acts or parts of acts conflicting with the provisions of this act are hereby repealed; but such repeal shall not affect any legal proceedings commenced under such conflicting acts. Repeal.

§ 6. This act shall take effect immediately.

The first three sections of this chapter have been superseded by subsequent enactments.

* See § 6 of article 11 of the Constitution of the State of New York.

CHAP. 49.

Equaliza-
tion of
assess-
ments.

AN ACT in relation to the equalization of assessments, under chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine and the amendments thereto.

PASSED March 10, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appeals
from
supervis-
ors; forms,
rules, etc.,
on.

SECTION 1. It shall be the duty of the State Assessors to prepare a form of petition and notice of appeal from decisions of boards of supervisors, in the equalization of assessments in their respective counties, and also to prepare rules and regulations in relation to bringing such appeals and the hearing or trial thereof, which shall be submitted to the Comptroller for his approval, and when so approved shall be the forms, rules and regulations of said board of State Assessors, and be filed in the office of the Comptroller.

Hearing of
appeal.

§ 2. Every such appeal duly brought shall be heard by said board in the county in which such appeal originated, at a time and place to be fixed by said board, and they shall notify the supervisor of the town, ward or city appealing, by mail, of the time and place so fixed upon, at least twenty days prior thereto. In case the appellant or his successor fails to appear and produce evidence to sustain the appeal at the time and place appointed, or on the day to which such hearing or trial shall have been adjourned, if an adjournment shall have been had, said State Assessors shall make an order dismissing said appeal as not sustained, which shall have the same effect in all respects as if said appeal had not been sustained after a trial or hearing on the merits on evidence.

Dismiss-
ing appeal.

Evidence.

What
State As-
sessors to
determine.

§ 3. On every such hearing or trial, the evidence shall in part relate to the assessment and full and true value of real and personal property, and the said State Assessors shall determine whether or not injustice has been done to the town, ward or city, so appealing, in the equalization of real and personal property assessed therein, as compared with the other wards, towns or cities of said county, and shall determine whether any, and if any, what deductions ought to be made from the aggregate corrected valuation of said real and personal property, as made by the board of supervisors, and shall also determine to what town or towns, ward or wards, city or cities, in such county said deductions, if any, shall be added, and shall certify their determination in writing to said board of supervisors and forward the same by mail, within ten days thereafter, to the clerk of said board of supervisors, directed to him at his post-office address.

Pending
appeals.

§ 4. The provisions of this act shall apply to all appeals, pending and undetermined at the time of its passage.

Repeal.

§ 5. All laws inconsistent with the provisions of this act are hereby repealed.

§ 6. This act shall take effect immediately.

State assessors have no authority to take evidence as to the existence of personal property omitted from the assessment-roll. *People ex rel. Supervisors of Westchester v. Hadley*, 76 N. Y. 337. Nor can they make allowances for omissions: *People ex rel. Supervisors of Monroe v. Hadley*, 1 Abb. N. C. 441; nor review the valuations of assessors on particular property, nor the decision of assessors that property is exempt. *Id.* See 17 Hun, 501.

CHAP. 50.

AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

Public In-
structions.

PASSED March 10, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of title nine of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows:

Amending
Laws 1864,
ch. 555.
6 Edm. 349.

§ 2. Whenever such district shall correspond wholly or in part with an incorporated village, in which there shall be published a daily or weekly newspaper, the notice aforesaid shall be given by posting at least five copies thereof, severally, in various conspicuous places in said district, at least twenty days prior to such meeting, and by causing the same to be published once a week for three consecutive weeks before such meeting, in all the newspapers published in said district. In other districts the said notice shall be given by posting the same as aforesaid, and in addition thereto, the trustees of such district shall authorize and require any taxable inhabitant of the same, to notify every other inhabitant (qualified to vote as aforesaid), of such meeting, to be called as aforesaid, who shall give such notification in the manner and subject to the penalty prescribed in the case of the formation of a new school district by title seven of this act.

Meeting to
determine
as to
union free
school.
Notice,
how given.

§ 2. Section five of said title nine is hereby amended so as to read as follows:

§ 5. Any such meeting, held as aforesaid, shall be organized by the appointment of a chairman and secretary, and may be adjourned from time to time, by a majority vote, provided that such adjournment shall not be for a longer period than ten days, and whenever any such meeting, at which not less than fifteen persons entitled to vote thereat, shall, by the affirmative vote of a majority present and voting, determine to establish a union free school in said district, pursuant to such notice, it shall thereupon be lawful for such meeting to proceed to the election, by ballot, of not less than three, nor more than nine trustees, who shall, by the order of such meeting, be divided into three several classes; the first to hold until one, the second until two, and the third until three, years from the second Tuesday in October coincident with or following, except in the cases in the next section provided for; and when the trustees so elected shall enter upon their office, the office of any existing trustee or trustees shall cease, except for the purposes stated in section eleven of title six of this act. The said trustees and their successors in office shall constitute a board of education of, and for the union free school district for which they are elected, and the designation of such district as union free school district number —, of the town of —, shall be made by the school commissioner having jurisdiction of the district; and the said board shall have the name and style of the board of education of — (adding the designation aforesaid); copies of said call, minutes of said meeting or meetings, duly certified by the chairman and secretary thereof, shall be by them,

Proceed-
ings at
such meet-
ing.

Election
of trust-
ees;
terms of
office.

Board of
education.

Copies of
proceed-

ings to be
filed.

or either of them, transmitted and deposited, one to and with the town clerk, one to and with the school commissioner or commissioners in whose jurisdiction said districts are located, and one to and with the Superintendent of Public Instruction; but when at any such meeting, the question as to the establishment of a union free school shall not be decided in the affirmative as aforesaid, then all further proceedings at such meeting, except a motion to reconsider or adjourn, shall be dispensed with, and no such meeting shall be again called within one year thereafter.

§ 3. This act shall take effect immediately.

CHAP. 53.

AN ACT to amend chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act for the incorporation of societies or clubs for certain lawful purposes."

PASSED March 14, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 267,
Laws 1875,
ante, p. 104.

SECTION 1. Section one of chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act for the incorporation of societies or clubs for certain lawful purposes," is hereby amended so as to read as follows, viz.:

Incorporation.

§ 1. Any five or more persons of full age, citizens of the United States, and a majority of whom are also citizens of this State, who desire to form themselves into a society or club for social, mutual benefit, benevolent, temperance, political, economic, patriotic, gymnastic, athletic, military drill, musical, dramatic, historical, literary, library, artistic, yachting, hunting, fishing, bathing, or lawful sporting purposes, may sign and acknowledge, before any officer authorized to take the acknowledgment of deeds in this State, and to file in the office of the Secretary of State, and also in the office of the Clerk of the county in which the office of such society or club shall be situated, a certificate, in writing, in which shall be stated the name or title by which such society shall be known in law; the particular business and object of such society or club; the number of trustees, directors, or managers, to manage the same, and the names of the trustees, directors, or managers for the first year of its existence; but such certificate shall not be filed, unless by the written consent and approbation of one of the justices of the Supreme Court of the district in which the principal office of such society or club shall be located, be indorsed on such certificate; but nothing in this act contained shall authorize the incorporation of any society or club for any purpose repugnant to any Statute of this State, or prohibited thereby.

Certificate, what to state.

Consent of Justice.

Limitation.

§ 2. This act shall take effect immediately.

As to the law of clubs and voluntary societies, see 5 Alb. L. J. 226; 15 Am. Rep. 27; 10 Eng. Rep. 385; 4 Abb. N. C. 300.

CHAP. 54.

AN ACT to provide for the reporting of persons in the various State benevolent institutions of this State.

PASSED March 14, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the superintendent, warden or other proper officer in charge of each of the benevolent institutions of this State in which are persons whose maintenance, treatment, tuition or clothing is a charge against any county of this State, to make a report on or before the fifteenth day of September, in each year, to the clerk of the board of supervisors of the county to which such maintenance, treatment, tuition or clothing is chargeable, which report shall show the name, age, sex, color and nationality of every person in such institution, chargeable to such county; also, when each person was received into such institution, from what town sent, for what term received, to what time the expense of each such person has been paid, and the amount chargeable to such county for each such person for the ensuing year, which report shall be verified by the oath or affirmation of the person making the same. Officers to report.

§ 2. This act shall take effect immediately. What report to show.

CHAP. 58.

AN ACT further to amend chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and Territories."

PASSED March 14, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other states and territories," is hereby further amended so as to read as follows :

§ 1. The Governor of this State is hereby authorized to name, appoint and commission so many commissioners in each of the other States and Territories of the United States, and in the District of Columbia, as he may deem expedient, provided that the number of commissioners shall at no time exceed ten in any one city or county; the said commissioners shall continue in office for four years, and shall have authority to take the acknowledgment and proof of the execution of any deed, mortgage, lease or other conveyance of any lands, tenements or hereditaments, lying or being in this State, or of any contract, assignment, transfer, letter of attorney, satisfaction of a judgment or of a mortgage, or of any other writing or instrument under seal, to be used or recorded in this state; also to administer an oath or affirma- See ch. 128, Laws 1875, ante, p. 67.
Amending ch. 270, Laws 1850, 4 Edm. 441.
Governor to appoint commissioners.
Number.
Term of office—authority.

tion to any person or persons who may desire to make such oath or affirmation.

§ 2. Section three of said act is hereby amended so as to read as follows:

Commissioner to take and subscribe oath.

§ 3. Every commissioner appointed by virtue of this act shall, before he performs any duty under and by virtue of his said appointment and of this law, take and subscribe an oath or affirmation before a justice of the peace, or some other magistrate in the city or county in which he shall reside, well and faithfully to execute and perform all the duties of such commissioner under and by virtue of the laws of the State of New York; which oath or affirmation shall be filed in the office of the Secretary of State. And every such commissioner shall, also before he enters upon the duties of his office, cause to be prepared an official seal, in which shall be designated his name, and the words "a commissioner of deeds for the State of New York," together with the name of the state or territory, and also of the city or county in which he shall reside, and for which he shall have been appointed, and shall transmit to and cause to be filed in the office of the Secretary of the State, a distinct impression of such seal, taken upon wax or some other substance capable of receiving and retaining a clear impression, together with his signature in his own proper writing.

Official seal.

§ 3. Section five of said act is hereby amended so as to read as follows:

Limitation of authority. Amended by ch. 115, L. 1880, post, p. 919.

§ 5. No commissioner appointed under or by virtue of this act shall be authorized to take the proof or acknowledgment of any deed or instrument, or to administer any oath or affirmation, at any place other than within the city or county within which he shall reside at the time of his appointment; and every certificate of any such commissioner to any proof or acknowledgment taken before him, or to any oath or affirmation administered by him, shall specify the day on which, and the city and county, or town and county, within which the same was taken or administered; and without such specification, the said certificate shall be wholly invalid, inoperative and void.

Certificate, what to specify.

Fees.

§ 4. The fees of such commissioners shall in no case exceed four times the amount allowed by the laws of the State or Territory in which such commissioner resides, for like services within such State or Territory by an officer thereof, provided, however, that in no case shall such fees for taking the proof or acknowledgment of a deed or other instrument or the administering of an oath or affirmation, exceed the sum of one dollar.

CHAP. 61.

AN ACT relating to fines imposed in criminal cases.

PASSED March 14, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Imprisonment for fines.

SECTION 1. Whenever a fine is imposed upon any person convicted of a misdemeanor, the court imposing the fine may limit the term of imprisonment, in default of payment, to a term not exceeding one day for each dollar of the fine imposed.

§ 2. This act shall take effect immediately.

CHAP. 77.

AN ACT to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same."

Railroads.

PASSED March 20, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-third of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, is hereby amended so as to read as follows:

Amending
ch. 140,
Laws 1850,
§ Edm. 617.

§ 23. The directors of every company formed under this act may, by a vote of two-thirds of their whole number, at any time alter or change the route or any part of the route of their road, or its termini, or locate the said route or any part thereof or its termini in a county adjoining any county named in the articles of association, if it shall appear to them that the line can be improved thereby; and they shall make and file in the clerk's office of the proper county a survey, map and certificate of such alteration or change, and shall have the same right and power to acquire title to any lands required for the purposes of the company in such altered or changed route as if the road had been located there in the first instance; and no such alteration shall be made in any city or village after the road shall have been constructed, unless the same is sanctioned by a vote of two-thirds of the common council of said city, or trustees of said village; and in case of any alteration made in the route of any railroad after the company has commenced grading, compensation shall be made to all persons for injury so done to any lands that may have been donated to the company. Nothing herein shall be construed to authorize the change of either terminus to any other county than one adjoining that in which it was previously located, nor the reduction of the amount of capital stock per mile below that now required by law. All the provisions of this act relating to the first location, and to acquire title to land, shall apply to every such new or altered portion of the route. Nor shall the provision of this section authorize the alteration of the route or terminus of any railroad in any town, county or municipal corporation which has issued bonds, or any town which may be bonded, but whose bonds have not yet been issued or subscribed for, and taken any stock or bonds in aid of the construction of such railroad without the consent in writing of, and subscribed by a majority of the tax payers appearing upon the last assessment-roll of said town, county or municipal corporation.

Directors
may
change
route.Survey.
May ac-
quire land.Alteration
in city or
village.Compensa-
tion.

Proviso.

Alteration
where
bonds have
been is-
sued.

See 77 N. Y. 249.

CHAP. 92.

Villages.

AN ACT to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office.

PASSED April 4, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Elections of trustees.

SECTION 1. No election of trustees held in the year eighteen hundred and seventy-six, pursuant to an act entitled "An act to provide for the incorporation of villages," passed April twenty, eighteen hundred and seventy, and the act amendatory of said act, passed June ninth, eighteen hundred and seventy-four, shall be invalid on account of the failure of any of the electors at such election to designate in their ballots the respective terms of office of the persons voted for for trustees, but the persons for whom a majority of such votes shall have been cast shall be deemed duly elected trustees of such village, and such trustees shall, on or before the first day of May, eighteen hundred and seventy-six, meet together with the president of the village, and the said president shall, in their presence, determine by lot who of said trustees shall serve for one year and who of them for two years. If the number of trustees is three, or any other odd number, the smallest majority shall serve for two years, and the largest majority for one year. The president shall make and file in the office of the clerk a certificate stating the names of the said trustees and the term of office of each, as so determined.

§ 2. This act shall take effect immediately.

See ch. 68, Laws 1879.

CHAP. 95.

Writs of error.

AN ACT to amend the sixteenth section of title sixth of chapter two of the fourth part of the Revised Statutes, concerning the allowance of writs of error in criminal cases.

PASSED April 6, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
§ R. S. 740.
§ Edm. 706.

SECTION 1. The sixteenth section of title sixth of chapter two of the fourth part of the Revised Statutes is hereby amended so as to read as follows:

When not
to stay pro-
ceedings.

§ 16. But no such writ of error shall stay or delay the execution of such judgment or of sentence thereon, unless the same shall be allowed by a justice of the Supreme Court, in other than capital cases, residing in the judicial department where the conviction was had, upon two days' notice, in writing, to the district attorney of the county where the conviction shall have been had, and unless such writ of error shall contain an express direction that the same is to operate as a stay of proceedings on the judgment upon which such writ shall be brought.

§ 2. This act shall take effect immediately.

CHAP. 96.

AN ACT to amend chapter one hundred and eighty of the laws of eighteen hundred and forty-five, entitled "An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts.

PASSED April 7, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty-nine of chapter one hundred and eighty of the laws of eighteen hundred and forty-five is hereby amended so as to read as follows :

Amending
ch. 180,
Laws 1845,
§ Edm. 304.

§ 29. Whenever any town collector shall have received any warrant for the collection of taxes, he shall immediately thereafter cause notices of the reception thereof to be posted up in five public places in the ward or town, and so located as will be most likely to give notice to the inhabitants thereof, and shall designate in such notices one or more convenient places in such town, where he will attend from nine o'clock, forenoon, till four o'clock, afternoon, at least three days in each week for thirty days, which days shall also be specified in such notice, for the purpose of receiving payment of taxes; and it shall be the duty of such collector to attend accordingly, and any person may pay his taxes to such collector at the time and place so designated, or at any other time or place, on paying one per cent fees thereon, within thirty days from the first posting of said notices; and no collector shall receive over one per cent fees for receiving or collecting any taxes within said thirty days. But every such collector shall be entitled to receive one cent fees on every amount of tax under one dollar paid in or collected within said thirty days, except in cases where it is now otherwise provided by law.

Notice by
collector
of receipt
of tax
warrant.

Payment
of taxes.

Fees.

§ 2. This act shall take effect immediately.

CHAP. 101.

AN ACT to amend section five of chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, entitled "An act in relation to the collection of taxes on lands of non-residents and to provide for the sale of such lands for unpaid taxes."

PASSED April 7, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, entitled "An act in relation to the collection of taxes on lands of non-residents and to provide for the sale of such lands for unpaid taxes," is hereby amended so as to read as follows:

Amending
ch. 497,
Laws 1855,
§ Edm. 357.

Taxes on
lands of
residents
and rail-
roads
returned
as unpaid.

§ 5. If the taxes on any farm or lot of land assessed to a resident shall be returned as unpaid, in consequence of such premises becoming vacant by the removal of the occupant before the collection of the tax imposed thereon, or in default of goods and chattels of the occupant to satisfy such tax, or if the taxes on any land occupied by or used in connection with any railroad, which was assessed to any person, company or corporation, owning, operating or constructing such railroad, shall be returned as unpaid, the supervisor of the town or ward in which such land was assessed shall add a description thereof to the assessment roll of the next year in the part thereof appropriated to taxes on lands of non-residents, and shall charge the same with the uncollected tax of the preceding year; and the same proceedings shall be had thereon in all respects as if it was the land of a non-resident, and as if such tax had been laid in the year in which the description is so added. The land occupied by or used in connection with any railroad assessed to any person, company or corporation owning, operating, or constructing such railroad, may be described in the following form: "a strip of land owned and occupied by the — railroad company, in the year —, extending about — feet on each side of the railroad track, and embracing the same, together with all the depots, stations, turnouts, switches and other improvements thereon and connected therewith, commencing at the point where such railroad track crosses the boundary line in entering the — ward of the city of —, or the town of —, and extending to the point where such track crosses the boundary line leaving such — ward of the city of —, or the town of —, or to the point of termination in the same, containing — acres more or less;" and when thus described, with the blanks in such form properly filled, on the Comptroller's book of taxes, or advertised or sold for taxes, no other description thereof shall be deemed necessary; provided, that if the Comptroller shall believe that the interests of the State should be best subserved by selling the land in lots or divisions, he shall be empowered to direct such surveys or to create such maps as may be made from titles to the same, so as to enable him to sell such lots by description sufficient to convey title thereto.

§ 2. This act shall take effect immediately.

CHAP. 108.

Imprison-
ment.

AN ACT to amend chapter two hundred and nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act passed April eighteenth, eighteen hundred and fifty-nine, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary,'" passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State.

PASSED April 11, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter two hundred and nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend

Amending
ch. 209.
Laws 1874.
9 Edm. 874.

an act, passed April eighteenth, eighteen hundred and fifty-nine, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary,' passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State, is hereby amended so as to read as follows:

§ 2. It shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any person may be sentenced, in the several counties of this State, for any term not less than sixty days, for any crime or misdemeanor not punishable by imprisonment in the State prison, during the continuance of the agreement mentioned in the first section of this act, to sentence such person to imprisonment in such penitentiary, there to be received, kept and employed in the manner prescribed by law, and the rules and discipline of such penitentiary; and it shall be the duty of such court, justice or magistrate, by a warrant, duly signed by the presiding judge, or justice or clerk of such court, or by such justice or other magistrate so giving such sentence, to cause such person so sentenced, to be forthwith and by the most direct route conveyed by some proper officer to such penitentiary.

Duty of courts as to sentences.

§ 2. Section three of said act is hereby amended so as to read as follows:

§ 3. It shall be the duty of the sheriffs, deputy sheriffs, constables or policemen in and for the several counties of this State, to whom any warrant of commitment for that purpose may be directed by any court or magistrate in this act mentioned, to convey forthwith such person so sentenced, to the penitentiary referred to in the second section of this act, and there deliver such person to the keeper of such penitentiary, whose duty it shall be to receive such persons, so sentenced, during the continuance of said agreement, authorized by the first section of this act, to be there safely kept and employed, according to the rules and discipline of such penitentiary; and the officers thus conveying such convicts, so sentenced, shall be paid such fees and expenses therefor, as the several boards of supervisors of the several counties of this State shall prescribe and allow.

Duty of sheriffs, constables, etc.

§ 3. This act shall take effect immediately.

CHAP. 110.

AN ACT supplemental to chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies," and of the several acts amendatory thereof.

Religious societies.
§ Edm. 657.

PASSED April 11, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any diocesan convention, presbytery classis, synod, annual conference, or other governing body having jurisdiction over a number of churches, congregations or societies of any church or religious denomination in this State, now or hereafter to be constituted or established, and not already incorporated, at any stated meeting thereof, by a plurality of voices, to elect any number of

Trustees may be elected.

Certificate. discreet persons, not less than three nor exceeding nine in number, as trustees to take charge of the estate and property belonging thereto, and to transact all affairs relating to the temporalities thereof. The presiding officer and clerk of such governing body shall immediately thereafter certify, under their hands and seals, the names of the persons elected as trustees as aforesaid, in which certificate the name or title by which the said trustees and their successors shall be known, shall be particularly mentioned, which said certificate, being duly acknowledged by the said presiding officer and clerk, shall be recorded, by the clerk of one of the counties situated in whole or in part, within the bounds of the jurisdiction of such governing body, or in the book kept for the record of religious corporations; and such trustees and their successors shall thereupon, by virtue of this act, be a body corporate, by the name or title expressed in such certificate.

Powers of trustees. § 2. Such trustees shall be capable of taking for religious, educational and charitable purposes, by gift, devise, bequest, grant or purchase, and of holding and disposing of the same, any real and personal estate held for the benefit of any such governing body, or of any parish, congregation, society, church, chapel, mission, religious, benevolent, charitable or educational institution, existing or acting under such governing body at the time of their election, or which had then or may thereafter be given for any such purposes, provided that the net yearly income received from the said property shall not at such time exceed the sum of twenty-five thousand dollars.

When church shall become extinct. § 3. Whenever any parish, church, congregation or religious society in connection with any such governing body shall become extinct by reason of the death or removal of its members, it shall be lawful for the trustees elected by such body as aforesaid to take possession of the temporalities and property belonging to such extinct church or organization, and manage and dispose of the same, and apply the proceeds thereof to any of the objects mentioned in the second section of this act. .

Term of office. § 4. The trustees elected by virtue of this act shall hold their offices at the pleasure of the governing body by whom they are elected, and all vacancies shall be filled by such body as they occur.

See ch. 381, Laws 1875, *ante* p. 137, ch. 176, Laws 1876, *post* p. 289.

CHAP. 115.

AN ACT to facilitate the settlement of bills of exceptions in criminal actions.

PASSED April 11, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever in any criminal action, or criminal proceeding, tried before any court, any party shall be entitled to have a bill of exceptions, the same may be settled, signed and sealed by the presiding judge, or the presiding justice of the court, before whom the same may be tried, either before the adjournment or after the adjournment of the said court; and it shall not be necessary that such court shall be in session at the time of such settling, signing and sealing; but the same may be done after the final adjournment of such court.

§ 2. This act shall take effect immediately.

CHAP. 118.**AN ACT in relation to wills of personal estate.**

PASSED April 11, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Every will and other testamentary instrument made out of the State of New York, and within the United States of America, Dominion of Canada, or the Kingdom of Great Britain and Ireland, whatever may be the domicile of the person making the same or at the time of making the same, or at the time of his or her death, shall, as regards personal estate, be held to be well executed for the purpose of being admitted to probate in the State of New York, if the same be made according to the forms required either by the law of the place where the same was made or by the law of the place where such person was domiciled when the will was made or by the laws of the State of New York.

Wills executed out of State — rule as to execution.

§ 2. Every will and other testamentary instrument made within the State of New York, whatever may be the domicile of the person making the same at the time of making the same, or at the time of his or her death, shall, as regards personal estate, be held to be well executed, and shall be admitted to probate in the State of New York if the same be executed according to the forms required by the laws of this State.

Will executed within the State.

§ 3. No will or other testamentary instrument shall be held to have become invalid, nor shall the construction thereof be altered by reason of any subsequent change of domicile of the person making the same.

Effect of change of domicile.

§ 4. Nothing in this act contained shall invalidate any will or other testamentary instrument as regards personal estate which would have been valid if this act had not been passed except as such will or other testamentary instrument may be revoked or altered by any subsequent will or testamentary instrument made valid by this act.

Effect of this act.

§ 5. This act shall extend only to wills and other testamentary instruments made by persons who die after the passage of this act.

To what wills to apply.

§ 6. This act shall take effect immediately.

Repealed by L. 1880, ch. 245. See Co. Civ. Proc., §§ 2611-13.

CHAP. 121.**AN ACT regulating the appointment of trustees of the State Homœopathic Asylum for the Insane at Middletown.**

PASSED April 14, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever vacancies shall occur in the board of trustees of the State Homœopathic Asylum for the Insane at Middletown, the Senate shall appoint, on the nomination of the Governor, proper persons to fill such vacancies; and the acceptance of the office of trustee, by the persons thus appointed, shall be a pledge that they will maintain the homœopathic mode of medical treatment in the said asylum.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

CHAP. 122.

AN ACT to prevent and punish wrongs to children.

Passed April 14, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any person having the care, custody or control of any child under the age of sixteen years, who shall exhibit, use, or employ, or who shall in any manner, or under any pretense, sell, apprentice, give away, let out, or otherwise dispose of any such child to any person, in or for the vocation, occupation, service, or purpose of singing, playing on musical instruments, rope, or wire walking, dancing, begging or peddling, or as a gymnast, contortionist, rider or acrobat, in any place whatsoever; or for or in any obscene, indecent or immoral purpose, exhibition, or practice whatsoever; or for or in any business, exhibition, or vocation injurious to the health or dangerous to the life or limb of such child; or who shall cause, procure, or encourage any such child to engage therein, shall be guilty of a misdemeanor. Nothing in this section contained shall apply to or affect the employment or use of any such child as a singer or musician in any church, school or academy, or the teaching or learning the science or practice of music; nor the employment of any child as a musician at any concert or entertainment, on the written consent of the mayor of the city or president of the board of trustees of the village where such concert or entertainment shall take place.

§ 2. Every person who shall take, receive, hire, employ, use, exhibit, or have in custody any child under the age, and for any of the purposes mentioned in the first section of this act shall be guilty of a misdemeanor.

§ 3. When, upon examination before any court or magistrate, it shall appear that any child, within the age previously mentioned in this act, was engaged or used for, or in any business, or exhibition or vocation; or purpose specified and as mentioned in this act; and when, upon the conviction of any person of a criminal assault upon a child in his or her custody, the court or magistrate before whom such conviction is had shall deem it desirable for the welfare of such child that the person so convicted should be deprived of its custody thereafter, such court or magistrate may commit such child to an orphan asylum, charitable or other institution, or make such other disposition thereof as now is or hereafter may be provided by law in cases of vagrant, truant, disorderly, pauper or destitute children.

§ 4. Whoever, having the care or custody of any child, shall willfully cause or permit the life of such child to be endangered, or the health of such child to be injured; or who shall willfully cause or permit such child to be placed in such a situation that its life may be endangered, or its health shall be likely to be injured, shall be guilty of a misdemeanor.

§ 5. All fines, penalties, and forfeitures imposed and collected in any county in this State, under the provisions of this and of every act passed, or which may be passed, relating to or affecting children, in every case where the prosecution shall be instituted or conducted by a society incorporated pursuant to the provisions of chapter one hundred and thirty of the laws of eighteen hundred and seventy-five, being an

See ch. 423,
Laws 1877,
post, 450;
ch. 404,
Laws 1878,
post, p. 451,
and Laws
1874, ante,
vol. 9,
p. 860.
Children
not to be
exhibited
or em-
ployed in
certain
business. 1
Abb. N. C. 1

Not to
apply to
employ-
ment as
musician.

Person
violating
first sec-
tion guilty
of misde-
meanor.

When
court may
dispose of
child
unlawfully
engaged. 1
Abb. N. C. 1

Willfully
endanger-
ing life or
health of
child.

Fines and
forfeit-
ures, how
disposed
of.

Ante, p. 65.

act entitled "An act for the incorporation of societies for the prevention of cruelty to children," shall, except where otherwise provided, enure to such society in aid of the purposes for which it was incorporated.

§ 6. Nothing herein contained shall be construed as affecting the punishment of offenses under chapter one hundred and sixteen of the laws of eighteen hundred and seventy-four, entitled "An act in relation to mendicant and vagrant children."

Not to affect punishments under ch. 116, Laws 1874, vol. 9, p. 880.

Cowley v. People, 21 Hun, 415; S. C., 8 Abb. N. C. 1.

CHAP. 130.

AN ACT to provide for the appointment of an additional number of Notaries Public.

PASSED April 18, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor is hereby authorized and empowered, by and with the advice and consent of the Senate, to appoint in each county, except the city and county of New York, notaries public equal to ten for each Assembly district, and in the said city and county two hundred and fifty notaries public, in addition to the number now allowed by law; provided, however, that in each county which is a single Assembly district the additional number of notaries public be fifteen.

§ 2. This act shall take effect immediately.

See chap. 87, L. 1875, *ante*, p. 58.

CHAP. 132.

AN ACT to amend sections fifty and fifty-one of article fifth of title one of chapter fifteen of the first part of the revised statutes in regard to trustees of incorporated colleges and academies.

Colleges and academies.

PASSED April 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifty of article fifth of title one of chapter fifteen of the first part of the revised statutes is hereby amended so as to read as follows:

Amending 1 R. S. 464.
1 Edm. 410.
Trustee

§ 50. No professor or tutor of any incorporated academy shall be a trustee of such academy.

§ 2. Section fifty-one, article fifth, title one, chapter fifteen, part first of said revised statutes is hereby amended so as to read as follows:

§ 51. No president, professor or tutor of any incorporated college, or principal of any incorporated academy who shall be a trustee, shall have a vote in any case relating to his own salary or emoluments.

Not to vote.

§ 3. This act shall take effect immediately.

CHAP. 133.

AN ACT to provide for the removal of certain officers and to amend proceedings in relation thereto.

PASSED April 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor may remove any county treasurer, county superintendent of the poor, or notary public for misconduct or malversation in office

Removal of county

treasurer,
superin-
tendent of
the poor or
notary
public.

at any time within the term for which such officer shall have been appointed or elected, giving to him a copy of the charges against him, and an opportunity of being heard in his defense before such removal shall be made as in proceedings for a removal of a sheriff; and in any such case the Governor may direct testimony to be taken, or an examination to be made in the manner now prescribed by law in proceedings for the removal of a sheriff, and in any case in which the approval or assent of the Governor is or may be necessary as a condition of removal of any officer, the Governor may direct testimony to be taken, or an examination to be made in the manner aforesaid.

Report and
proceed-
ings.

§ 2. In any order directing the taking of testimony or an examination in a proceeding for the removal of any officer, the Governor may direct that the judge or commissioner, in reporting the evidence, shall also report the material facts which he deems to be established by the evidence, and in any case where in his judgment the public interests may require it, the Governor may direct a hearing on the evidence taken in any such examination before a judge of the supreme court, or a county judge, and a report by such judge of his conclusions on the questions of fact or law involved in the case, and may assign a judge for such hearing.

§ 3. This act shall take effect immediately.

CHAP. 134.

AN ACT to amend chapter one hundred eighty-one of the laws of eighteen hundred seventy-five, entitled "An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof."

PASSED April 21, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 181,
Laws 1875,
ante, p. 80.

SECTION 1. Section twelve of chapter one hundred eighty-one of the laws of eighteen hundred seventy-five, entitled "An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof," is hereby amended so as to read as follows:

Use of soil
under
streets.

§ 12. The said commissioners, and all acting under their authority, shall have the right to use the ground or soil under any street, highway or roads within the county within which said village is situated, for the purpose of introducing water into and through any and all portions of said village, on condition that they shall cause the surface of such street, highway or road to be relaid and restored to its usual state, and all damages done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water-pipes upon like conditions. And the said commissioners shall have the further power to contract with and sell to any corporation, stock company or individual, without the corporate limits of said village, the right to make connection with the distributing pipes of said village, for the purpose of drawing water therefrom, at such prices and on such conditions as, in the judgment of said commissioners, shall be for the best interests of said village. But no such right shall be granted or in any way enforced, when, by so doing, the supply for the wants or necessities of said village shall thereby be curtailed.

May sell
water-
rights and
privileges.

§ 2. This act shall take effect immediately.

CHAP. 135.

AN ACT to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled "An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporate existence.

Plank-road and turnpike companies.

PASSED April 21, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any plank-road company or turnpike company which shall have been formed under and by virtue of an act entitled "An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof, and which shall have managed and carried on any plank-road or turnpike road for twenty years last past, upon ten miles in length thereof, or not less than one-half of the route named in their original articles of association, may at any time within five years before the termination of the time specified for its duration in its articles of association, continue its corporate existence for a period not exceeding thirty years by first obtaining the consent, by resolution, of a majority of all the members of the board of supervisors of the county or counties in which any such road is located, adopted at any regular or special meeting thereof, and by filing and recording in the office of the clerk of the county or counties in which such plank-road or turnpike road is located, within one year before the expiration of the term of the corporate existence of such company, and in the office of the Secretary of State such consent and a statement showing the actual capital expended in the construction of any such plank-road or turnpike road, exclusive of repairs, together with the consent, in writing, from the persons owning two-thirds of the capital stock of such company, and in which shall also be stated the number of years which they shall desire such corporate existence extended; also the name of each town or ward through or into which the said road passes. Such statement shall be made by the president and treasurer of such company, and they shall annex or indorse thereon their affidavits of the above requirements.

Certain companies may extend their corporate existence. Amended 1878, ch. 121, post, p. 534.

Proceeding.

§ 2. In case any part of any plank-road or turnpike road shall have been abandoned, according to the provisions of law, a statement of the actual cost of such remaining part, exclusive of repairs, shall be made as near as may be, and filed and recorded in the same manner as provided in section one of this act. Any further abandonment of any part of any plank or turnpike road shall only be made by and with the consent of a majority of all the members of the board of supervisors of the county in which any such road or any part thereof is located, which consent shall be filed with the clerk of said county or counties.

Where part of road has been abandoned. Future abandonments, how made.

§ 3. Hereafter it shall be the duty of any plank-road or turnpike road that shall avail themselves of the provisions of this law, to annually, on or before the first day of July in each year, make and file a statement in the office of the county clerk of the county or counties through or into which such plank-road or turnpike road is located, of the receipts from tolls, and also a statement showing the expenditure on such plank-road or turnpike road to maintain and keep the same in repair.

Annual statement.

§ 4. A copy of the consent of such supervisors and stockholders, together with a copy of such affidavit annexed thereto and certified to be a copy by the Secretary of State, or his deputy, shall, in all courts and places, be presumptive evidence of the corporate existence of such company for the term therein specified, and of the facts therein stated.

Evidence of corporate existence.

§ 5. The corporate existence of such plank-road company shall not be extended, except in accordance with this act.

Proviso.

§ 6. The provisions of this act shall not apply to the counties of Kings and Orange. (Amended by ch. 253, Laws 1879.)

§ 7. All acts or parts of acts inconsistent or in conflict with this act are hereby repealed.

CHAP. 161.

AN ACT to amend chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to protect butter and cheese manufacturers,' passed May second, eighteen hundred and sixty-four."

PASSED April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 563,
Laws 1869,
7 Edm. 487.
Amended
1873, ch.
287, post, p.
570.
See Vol. 6,
p. 300.

SECTION 1. Section one of chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to protect butter and cheese manufacturers,' passed May second, eighteen hundred and sixty-four," is hereby amended so as to read as follows:

§ 1. Section one of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-four is hereby amended so as to read as follows:

Penalty
for selling
or supply-
ing dilut-
ed, adul-
terated,
skimmed
or impure
milk to
cheese or
butter fac-
tories, and
for failing
to keep
accounts.

§ 1. Whoever shall, with intent to defraud, sell, supply or bring to be manufactured to any butter or cheese manufactory in this State, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skimmed milk, or whoever shall, with intent to defraud, keep back any part of the milk known as "strippings," or whoever shall, knowingly, bring or supply milk to any butter or cheese manufactory that is tainted or partly sour from want of proper care in keeping pails, strainers or any vessel in which said milk is kept, clean and sweet, after being notified of such taint or carelessness, or any butter or cheese manufacturer who shall, knowingly, use or allow any of his employees, or any other person, to use for his or for their own individual benefit, any milk or cream from the milk brought to said butter or cheese manufacturer, without the consent of all the owners thereof, or any butter or cheese manufacturer who shall refuse or neglect to keep or cause to be kept a correct account (open to the inspection of any one furnishing milk to such manufacturer) of the amount of milk daily received, or of the number of pounds of butter, and the number and aggregate weight of cheese made each day, or of the number cut or otherwise disposed of, and the weight of each, shall, for each and every offense, forfeit and pay a sum not less than twenty-five dollars nor more than one hundred dollars with costs of suit, to be sued for in any court of competent jurisdiction by and for the benefit of the person or persons, firm or association, or corporation, or their assigns, upon whom such fraud or neglect shall be committed.

§ 2. This act shall take effect immediately.

See *Verona Central Cheese Co. v. Murtaugh*, 50 N. Y. 314; *Lammond v. Volans*, 14 Hun 263. *Ante*, Vol. 3, p. 415; Vol. 6, p. 301.

CHAP. 176.

AN ACT supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies, and the acts supplementary thereto."

Religious societies.
3 Edm. 687,
ante, p. 172

PASSED April 26, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The rector, wardens and vestrymen or, the trustees, consistory or session of any church, congregation or religious society, incorporated under any of the laws of this State, shall administer the temporalities thereof and hold and apply the estate and property belonging thereto, and the revenues of the same, for the benefit of such corporation, according to the rules and usages of the church or denomination to which said corporation shall belong; and it shall not be lawful to divert such estate, property or revenue to any purpose, except the support and maintenance of any church or religious or benevolent institution or object connected with the church or denomination to which such corporation shall belong.

Who to administer the temporalities.

Property not to be diverted.

§ 2. Each and every of the corporations aforesaid may receive, use and apply all rents and income derived from pews of their respective churches, in addition to the annual income limited by any statute now in force relating thereto.

Rents from pews.

§ 3. Any two or more of the corporations aforesaid, are hereby authorized to unite and consolidate themselves into a single corporation of the denomination to which at least one of such corporations shall belong, in the manner following: The said corporations may enter into an agreement under their respective corporate seals for the union and consolidation of the said corporations, setting forth the terms and conditions thereof, the name of the proposed new corporation, the church or denomination to which it shall belong, the names of the persons who shall be the church wardens and vestrymen, or elders and deacons, or trustees or other officers, as the case may be, until the first annual election of the proposed new corporation, and fixing the day of such election. But in the case of Protestant Episcopal churches, no such agreement shall be valid unless approved by the bishop and standing committee of the diocese in which such churches are situated. Each of the said corporations may make its separate petition to the Supreme Court, in the judicial district in which such corporations are situated, for an order for such union and consolidation, setting forth in such petition the reasons for such union and consolidation, the agreement made as hereinbefore provided, and a statement of all of its property, real and personal, all its debts and liabilities, and the amount and sources of its annual income. Upon such petition from each of such corporations so proposing to be united and consolidated, and upon the said agreement, satisfactorily proved or certified, the Supreme Court may, in case it shall deem it proper, make an order for the union and consolidation of such corporations, determining all the terms, conditions and provisions thereof. All parties interested therein may be heard on such petition. When such order is made and entered, according to the practice of the court, the said corporations shall be

Consolidation of corporations. Amended by Laws 1880, ch 167, post, p. 934.

Petition to the Supreme Court

Order thereon

Rights and obligations of the consolidated corporation.

united and consolidated into one corporation, by the name designated in the order; and it shall have all the rights and powers, and be subject to all the obligations of religious corporations under the act to which this is supplementary, and the acts amendatory thereof and supplementary thereto.

§ 4. And thereupon all the estate, rights and property, of whatsoever nature, belonging to either of said corporations, shall, without further act or deed, be vested in and transferred to the new corporation as effectually as they were vested in or belonged to the former corporations, and the said new corporation shall be liable for all the debts and liabilities of the former corporations, in the same manner and as effectually as if said debts or liabilities had been contracted or incurred by it.

§ 5. This act shall take effect immediately.

CHAP. 182.

Criminal evidence.

AN ACT in relation to evidence in criminal cases.

PASSED April 27, 1876; without the approval of the governor, pursuant to provision of section nine of article four of the Constitution.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Accomplices, 12 Hun, 212.

SECTION 1. All persons jointly indicted shall, upon the trial of either; be competent witnesses for each other the same as if not included in the same indictment.

§ 2. In all criminal trials, and examinations before trial, a husband or wife may be examined as a witness in behalf of the other, but upon no such trial or examination shall a husband or wife be compelled to testify against the other.

§ 3. This act shall take effect immediately.

CHAP. 190.

AN ACT further to amend chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies."

PASSED April 28, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," is hereby amended by adding thereto an additional section, to be known as section thirteen,* as follows:

Amending
ch. 312,
Laws 1848,
3 Edm. 705.

§ 13. The term of existence of any corporation which may have heretofore been or which may hereafter be organized under this act, may be extended in the following manner: The trustees of such corporation, or a majority of them, shall make and sign a certificate declaring the term, not exceeding fifty years, for which the said corporation is to be continued, which certificate shall be duly acknowledged, and be filed in the office of the Secretary of State, and also a copy thereof in the office of the clerk of the county where the original certificate of incorporation was filed; and from and after the filing of such certificate and copy, the said corporation shall be deemed continued for the term of years therein specified.

Extending
corporate
existence.

CHAP. 198.

AN ACT to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same."

Railroads.

PASSED May 3, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighteen of an act to amend an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, is hereby amended, so as to read as follows:

Amending
ch. 140,
Laws 1850,
3 Edm. 617.

§ 18. A certified copy of the order so to be made as aforesaid shall be recorded at full length in the clerk's office of the county in which

Order,
where to
be re-
corded.

* So in the original. See ch. 452, L. 1875, ante, p. 151. There is no "section 12" in the act of 1848.

the land described in it is situated, and thereupon and on the payment or deposit by the company, of the sums to be paid as compensation for the land, and for costs, expenses and counsel fees as aforesaid, and as directed by said order, with interest from the date thereof, the company shall be entitled to enter upon, take possession of and use the said land for the purposes of its corporation, during the continuance of its corporate existence, by virtue of this or any other act; and all persons who have been made parties to the proceedings shall be divested and barred of all right, estate and interest in such real estate during the corporate existence of the company as aforesaid. If the company shall neglect to have such order recorded and to make the payment or deposit as herein provided, for the period of ten days after the date of such order, any party to such proceedings and interested therein may, at his election, cause a certified copy of the said order to be recorded as aforesaid, and thereupon the moneys therein directed to be paid, with interest thereon from the date of said order, shall be a debt against the company, and the same shall be a lien on such real estate and may be enforced and collected by action at law or in equity in the Supreme Court with costs, except nevertheless, the company may abandon such proceedings by filing within thirty days, after notice in writing, of such recorded order, in the office of such clerk, a notice of its determination to do so, and paying the reasonable costs and expenses of such party to be ascertained and adjusted, on motion by the court, making such order. But, in case of such abandonment, the company shall not renew proceedings to acquire title to such lands without a tender or deposit in court of the amount of said award and the interest thereon. All real estate acquired by any company under and pursuant to the provisions of this act, for the purposes of its incorporation, shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the commissioners, as provided for in the seventeenth section of this act, either party may appeal, by notice in writing to the other, to the Supreme Court, from the appraisal and report of the commissioners. Such appeal shall be heard by the Supreme Court at any general or special term thereof, on such notice thereof being given according to the rules and practice of said court. On the hearing of such appeal the court may direct a new appraisal, before the same or new commissioners in its discretion; the second report shall be final and conclusive on all the parties interested. If the amount of the compensation to be paid by the company is increased by the second report the difference shall be a lien on the land appraised, and shall be paid by the company to the parties entitled to the same, or shall be deposited in the bank, as the court shall direct; and if the amount is diminished the difference shall be refunded to the company by the party to whom the same may have been paid, and judgment therefor may be rendered by the court on the filing of the second report, against the party liable to pay the same. Such appeal shall not affect the possession by such company of the land appraised, and when the same is made by others than the company, it shall not be heard, except on a stipulation of the party appealing not to disturb such possession.

§ 2. Whenever any land required by a railroad company for the purposes of its road, is contained in, or forms a part of any street or avenue in any city or village in which the owners of adjoining lands on the line of such street or avenue claims a right of property or the fee thereof, in such case the notice to be given of the application for the appointment of commissioners under the special proceedings under

Its effect.

When the company neglect to have order recorded.

Real estate thus acquired for public use.

Appeals.

When heard.

New appraisal.

Notice when the land required forms part of street.
17 N. Y. 249.

the act to acquire title to such land as well as the notice of hearing before such commissioners shall be served by the publication of the said notice twice each week, for three weeks, in at least two newspapers published in the county in which such city or village is located, to be designated by the court to which the said application is to be made.

§ 3. This act shall take effect immediately.

CHAP. 201.

AN ACT to prevent frauds in the sale of staterooms, berths and tickets upon steamboats, and steamships, and other vessels.

PASSED May 4, 1876; [three-fifths being present], without the approval of the Governor, pursuant to provision of section nine of article four of the Constitution.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person shall sell or offer to sell, within the limits of this State, any berth, stateroom, or right to the same, or either of them, or any right of passage, on any steamboat, steamship, vessel or line, except an agent duly authorized and appointed as hereinafter provided by the person or persons, company or companies, owning or running the same. Nor shall any person, except such an agent as aforesaid, sell or attempt to sell, within the limits of this State, any ticket, instrument or token, giving or granting, or purporting to give or grant, to any one the use of any berth, stateroom or place on any steamboat, steamship or other vessel, nor shall any person sell or attempt to sell any berth or stateroom ticket or any stateroom key, or the right to use the same, or the right to use any berth or stateroom, or any part thereof, upon any steamboat, steamship or other vessel, at a price or for a sum greater than that charged at the time of such sale, by those owning or running such steamboat, steamship or other vessel, for or upon which the same were sold. No person shall be deemed a duly authorized agent as aforesaid unless he shall have been appointed by instrument in writing which shall designate the name of the company, line, steamboat, steamship or vessel for which he shall act as agent, together with the street and number of the street, and the city, town or village in which his office shall be kept for the sale of such tickets, tokens or instruments; and he shall be required, in any case of inquiry or examination into his authority, to show the same affirmatively. But if any person shall have bought any ticket in good faith for his own passage, and shall have been prevented from using the same, he shall be permitted to sell such ticket at the regular rate established therefor, to any other bona fide purchaser for his own use, and upon proof of such facts, he shall not be held to have violated this act.

Sale of
berths,
tickets,
etc.

§ 2. Every person violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

§ 3. Nothing in this act shall be so construed as to prevent the owner or owners, or the consignees of any line ship, steamboat, or any ticket clerk thereof, from selling tickets or other instruments, in the ticket office upon such ship, steamship, steamboat or vessel, or in the office of the persons or company running the same. Limita-
tion.

§ 4. This act shall take effect immediately.

CHAP. 257.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

PASSED May 18, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 432,
Laws 1875,
ante, p. 156.

SECTION 1. Subdivisions four, five, six and ten of section one of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," are hereby amended so as to read as follows:

To apportion
expenses of
bridges
between
counties.
Amended
1878, ch.
77, *post*.

4. To apportion as such board may deem equitable, the expense of the construction of any public bridge (except on the Hudson river, below Waterford, and on the East river, or over the waters forming the boundaries of the State) over a stream or other water forming the boundary line of counties, between the towns at such point, and in all such cases the said counties shall each pay not less than one-sixth of the expense of such bridge, and where the board of supervisors shall deem that the construction of such bridge is a general benefit to the county, and that the payment of two-thirds of the expense by the towns liable would be unjust to such towns to determine what additional proportion of such expense should be borne by the respective counties, and to authorize any town, on the vote of the majority of the electors voting at any annual town meeting, or regularly called special town meeting to appropriate such a sum, to be raised as other bridge moneys are raised, to aid in the construction and maintenance of any bridge outside the boundaries of the town or county, but forming a continuation of highways leading from such town or county and deemed necessary for the public convenience.

Care and
reparation
of bridges
between
counties.
Amended
by Laws
1879, ch.
364, *post*, p.
774.

5. To provide for the care, preservation and reparation of any draw or other bridge (except on the Hudson river, below Waterford, and on the East river, or over the waters forming the boundaries of the State) crossing a stream which forms at the point of crossing, the dividing line of counties, and the maintenance of which bridge is by law a joint charge on such counties or on the towns in which such bridge may be situated; and to severally apportion the charges for such care, preservation and reparation on the towns respectively liable therefor, or on the respective counties when liable.

To authorize
towns
to borrow
money for
bridges.

6. To authorize any town or towns liable for the erection, care, repair and maintenance, in whole or in part, of any bridge (except on the Hudson river, below Waterford, and on the East river, or over the waters forming the boundaries of the State) to erect, repair and maintain the same, and to borrow such sums of money, in the manner provided in subdivision twenty-nine of this section, as may be necessary for the purposes of such erection, repair and maintenance, and to pay any existing debt incurred in good faith by or in behalf of such town or towns for such purpose before the passage of this act. But no authority shall be exercised under this subdivision, except upon the

application of a town liable to be taxed for such purpose, to be made by vote of a majority of the electors thereof voting, at a regular town meeting, or at a special town meeting called for the purpose, or upon the application of the supervisor, by and with the consent of the commissioner of highways, town clerk and justices of the peace of such town. If any town, at a regular town meeting held between the first day of February, eighteen hundred and seventy-five, and the passage of this act, shall have elected commissioners for the purpose of building a bridge and providing money to pay for the same by the issuing of bonds or otherwise, such bonds not exceeding the amount authorized at such town meeting, are hereby authorized and declared valid; but said bonds shall not be sold or otherwise disposed of for less than par. And the board of supervisors shall levy a tax on such town for the payment of such indebtedness at such times and in such amounts as may be necessary to meet the obligations incurred by said commissioners in pursuance of instructions given by such town at the time of electing said commissioners.

10. To authorize the laying of highways of a greater or less width than is now required by law, and to alter by increasing or diminishing the width of highways now in existence. Width of
highways,
10 Hun, 405.

§ 2. Section eight of said act is hereby amended so as to read as follows:

§ 8. Supervisors, except in the counties of New York, Kings, Rensselaer and other counties where their annual salaries are now or may be hereafter established by law, shall receive from their respective counties for their services at the session of their respective boards and for services actually rendered in any investigation or other duty authorized by law and directed by the board of supervisors, but performed when the board shall not be holding a session; compensation at the rate of three dollars per day, but not more than one day's service shall be charged for in any day, including the whole twenty-four hours. Each supervisor shall also receive from the county for his services in making the copies required by law of the assessment roll of his town or ward, including the extension of the tax list to be delivered to the collector or receiver of taxes, compensation at the rate of three cents for each written line for the first one hundred written lines on said roll and list, two cents per line as aforesaid for the second hundred lines, and one cent per line as aforesaid for all written lines in excess of two hundred. He shall also receive mileage at the rate of eight cents per mile for once going and returning from his residence to the place where the sessions of the board shall be held, by the most usual route, for each regular or special session held in pursuance of law. No other compensation, fee, charge or allowance of any kind shall be made to any supervisor for his services, except such as shall be by law a town charge, and the following stated services shall be deemed town charges, and shall be paid for at the rates following, namely, for approving a collector's bond, one dollar, and mileage at the rate of eight cents per mile going and returning, for the distance actually and necessarily traveled to file such bond. For disbursing school moneys received from the county treasurer, such commission, not exceeding one per centum as the board of town auditors shall allow. For all other services required by law to be performed in the service of the town, and for which no compensation is otherwise provided, two dollars per day for each full day actually and necessarily spent in such service, and the actual and necessary expense of travel. Any supervisor who shall receive or vote for any allowance in violation of the provisions Compensation of
supervisors.

of this section shall be deemed guilty of a misdemeanor, and shall, on conviction, pay for the use of the county such penalty as the court having cognizance of such offense shall adjudge, not exceeding two hundred and fifty dollars. And all provisions of law inconsistent with this section are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 258.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," passed June five, eighteen hundred and seventy-five.

PASSED May 18, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 482,
Laws 1875,
ante, p. 156.

SECTION 1. Paragraph eight of section one of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," passed June five, eighteen hundred and seventy-five, is hereby amended to read as follows:

Road
districts.

8. To authorize the consolidation in any town of two or more of the established road districts therein, and the division of any established road district into two or more; and to constitute the territory of any incorporated village into a separate road district, and to provide for the election or appointment of overseers of highways in such districts, and prescribe the manner in which the highway labor assessed and highway taxes collected in such consolidated or separate districts, shall be expended and accounted for, except that whenever an incorporated village shall constitute a separate and independent road district, the commissioners or superintendents of streets, or officers of said village, by whatsoever title or name called, whose duty it shall be to control, superintend and repair the streets therein, shall be the overseers of highways in said district.

§ 2. This act shall take effect immediately.

CHAP. 266.

AN ACT to amend chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the better care of pauper and destitute children."

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 173,
Laws 1875,
ante, p. 74.

SECTION 1. Section two of chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-five, entitled "An act to pro-

vide for the better care of paupers* and destitute children," is hereby amended so as to read as follows:

§ 2. From and after the passage of this act it shall be the duty of the county superintendents of the poor, or other proper officers charged with the support and relief of indigent persons of the several counties of this State in which there are county poor-houses to cause the removal of all children between the ages of three and sixteen years (not exempted by the first section of this act) from their respective poor-houses, and also to cause the removal of those who may hereafter come under their care and control, or hereafter be born in such poor-houses, before they shall have arrived at the age of three years, and provide for their support and care in families, orphan asylums or other appropriate institutions, as now provided for by law, and the boards of supervisors of the several counties are hereby required to take such action in the matter as may be necessary to carry out the provisions of this act.

§ 2. This act shall take effect immediately.

Children to be removed from poor-houses.

CHAP. 267.

AN ACT further to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy."

Insane.

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-one of article second of title one of chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy," is hereby amended so as to read as follows:

Amending ch. 446, Laws 1874. § 9 Edm. 926.

§ 21. The Governor shall possess the same powers conferred upon courts of oyer and terminer in the case of persons confined under conviction for offenses for which the punishment is death. And whenever any person under sentence of death shall be declared insane and irresponsible, by a commission duly appointed for that purpose, the Governor may, in his discretion, order his removal to the State Lunatic Asylum for insane criminals, there to remain until restored to his right mind, and it shall be the duty of the medical superintendent of such asylum, whenever, in his opinion, said convict is cured of his insanity, to report the fact to the State Commissioner in Lunacy and a justice of the Supreme Court of the district in which said asylum is situated, who shall thereupon inquire into the truth of such fact, and if the same be proved to their satisfaction, they shall so certify it under their official hands and seals to the clerk of the court in which such convict was sentenced, and cause him, the said convict, to be returned to the

When the Governor may order the removal of criminals to the State Lunatic Asylum. Proceeding where sanity is restored. See Ordonaux's Jud. Asp. Ins. 94.

* So in the original.

custody of the sheriff of the county whence he came and at the expense thereof, there to be dealt with according to law.

§ 2. Section six of title second of said act is hereby amended so as to read as follows:

Sale of
real estate
of lunatics,
etc.
See Order
112.

§ 6. Any idiot, lunatic or person of unsound mind, seized of any real estate, or of any interest in any real estate or entitled to dower therein or to any term for years in lands, may, by committee duly appointed, apply to the Supreme Court or county court for the sale or disposition of the same in the manner hereinafter directed.

§ 3. Section first of title tenth of said act is hereby amended so as to read as follows:

State Commissioner
in Lunacy.

§ 1. The Governor shall nominate and by and with the advice and consent of the Senate, appoint an experienced and competent physician, who shall be designated as the State Commissioner in Lunacy, who shall hold his office for five years and receive an annual salary of four thousand dollars and traveling and other incidental expenses not to exceed one thousand dollars, and a sum not to exceed two hundred dollars to pay office rent and fuel, to be paid on presentation of vouchers to the Comptroller.

§ 4. Section four of title ten of said act is hereby amended so as to read as follows:

His powers and
duties as to persons
deprived of liberty,
etc.
See Order.
152.

3 Abb. N.C.
187, 218 and
226.
7 Id. 425.

§ 4. The said Commissioner is hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath, and to exercise the same powers as belong to referees appointed by the Supreme Court, in all cases where, from evidence laid before him, there is reason to believe that any person is wrongfully deprived of his liberty, or is cruelly, negligently or improperly treated in any asylum, institution or establishment, public or private; for the custody of the insane; or whenever there is inadequate provision made for their skillful medical care, proper supervision and safe-keeping; and if the same shall be proved to his satisfaction, he is further empowered to issue an order in the name of the people of the State and under his official hand and seal, directed to the superintendent or managers of such institution, requiring them to modify such treatment or apply such remedy or both as shall therein be specified. And in case such order is disobeyed or negligently executed, the Commissioner may, and it shall be his duty to present such order with a statement of the facts duly verified upon which it was made to a justice of the Supreme Court, who may thereupon by order require such superintendent or manager to show cause before such or some other justice of the Supreme Court at a place in the judicial district where such asylum, institution or establishment is situated, and at a time specified in such order not less than two days after the service thereof, why an order should not be made directing performance of such order of the Commissioner, and on failure to so show cause, the said justice shall make such order, and for any disobedience of any order made pursuant to the provisions of this section, the same proceedings may be taken to compel performance thereof, or to punish for contempt for such disobedience as may be had for such purposes in civil actions.

§ 5. This act shall take effect immediately.

See Ordonaux's Judicial Aspects of Insanity.

Sec. 2 of the above act was repealed by L. 1880, ch. 245. See Co. Civ. Proc., §§ 2348-9.

CHAP. 277.

AN ACT to amend section fifteen of article second, title four of chapter two of part three of the Revised Statutes, relating to justices' courts.

Justices' courts.

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of article second, title four of chapter two of part three of the Revised Statutes, relating to justices' courts, is hereby amended so as to read as follows: Amending
2 R. S. 828.
2 Edm. 243.

§ 15. "A summons shall, in all cases, be served at least six days before the time of appearance mentioned therein. If the defendant shall be found it shall be served by delivering to and leaving with him a copy thereof. If the defendant shall not be found, it shall be served by leaving a copy thereof at the defendant's last place of abode, in the presence of some one of the family, of suitable age and discretion, who shall be informed of its contents." Justice's
summons,
how
served.

§ 2. This act shall take effect July first, eighteen hundred and seventy-six.

Repealed by L. 1880. See Code Civ. Proc. § 2878.

CHAP. 278.

AN ACT to amend section twenty-nine of chapter four hundred and sixty of the laws of eighteen hundred and thirty-seven, entitled "An act concerning the proof of wills, executors, administrators, guardians and wards, and surrogates' courts," passed May sixteen, eighteen hundred and thirty-seven, as amended by chapter two hundred and twenty-nine of the laws of eighteen hundred and sixty-two.

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-nine of chapter four hundred and sixty of the laws of eighteen hundred and thirty-seven, entitled "An act concerning the proof of wills, executors, administrators, guardians and wards, and surrogates' courts," passed May sixteen, eighteen hundred and thirty-seven, as amended by chapter two hundred and twenty-nine of the laws of eighteen hundred and sixty-two, is hereby amended to read as follows: Amending
ch. 460,
Laws 1837.
4 Edm. 486.

§ 29. When either or all the sureties of any executor, or administrator or guardian, shall desire to be released from responsibility on account of the future acts or defaults of such executor or administrator or guardian, they may make application to the surrogate who granted letters testamentary or of administration or of guardianship, for relief, and the surrogate shall thereupon issue a citation to such guardian to appear at a time and place specified, and upon the return thereof, take the same proceedings as are now provided by law in regard to releasing the sureties of an executor or administrator. Release of
sureties of
executors,
etc.

§ 2. This act shall take effect immediately.

Repealed by L. 1880. See Code Civ. Proc. §§ 2600 and 2601.

CHAP. 280.

Corporations.

AN ACT further to amend chapter three hundred and twenty-two of the laws of eighteen hundred and seventy, entitled "An act to authorize corporations to change their names."

PASSED May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 322,
Laws 1870.
7 Edm. 712.

SECTION 1. Section one of chapter three hundred and twenty-two, of the laws of eighteen hundred and seventy, entitled "An act to authorize corporations to change their names," is hereby amended so as to read as follows :

Change of
corporate
name.

§ 1. Any incorporation, incorporated company, society or association organized under the laws of this State, excepting banks, banking associations, trust companies, life, health, accident, marine and fire insurance companies, may apply at any special term of the Supreme Court sitting in the county in which shall be situated its chief business office, for an order to authorize it to assume another corporate name.

§ 2. This act shall take effect immediately.

CHAP. 287.

Elections.

AN ACT to amend chapter two hundred and forty of the laws of eighteen hundred and forty-seven, entitled "An act to amend the act entitled 'An act respecting elections other than for militia and town officers,' passed April fifth, eighteen hundred and forty-two."

PASSED May 15, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws 1842,
ch. 130.
1 Edm. 116,
128.

SECTION 1. The fortieth section of the fifth title of the act entitled "An act respecting elections others * than for militia and town officers," passed April fifth, eighteen hundred and forty-two, is hereby amended so as to read as follows :

§ 40. He shall cause a copy of such certified statements and determinations to be printed in the State paper, and in no other paper whatever, at the public expense.

§ 2. This act shall take effect immediately.

* So in the original.

CHAP. 295.

AN ACT to authorize the presiding judge or justice of courts New trials.
of oyer and terminer to grant new trials.

PASSED May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The presiding justice or judge of any court of oyer and terminer held in this State shall possess the power to grant a new trial on motion of the prisoner after conviction before or after sentence, on exceptions taken on the trial, or on the ground of newly-discovered evidence. The motion may be heard on the minutes or on affidavits, as the case may require, in like manner as nearly as may be, to the practice of the Supreme Court in civil actions.

§ 2. This act shall take effect immediately.

18 Hun, 487, 78 N. Y. 492.

CHAP. 297.

AN ACT to prohibit the disposal of any part of the public
lands on Lake George or the islands thereof.

PASSED May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No grant or lease of any of the islands in Lake George or of any land on any of said islands shall be made by the Commissioners of the Land Office or by any board or officer of the State, until the further direction of the Legislature, and any such grant or lease hereafter made without such express direction of the Legislature shall be null and void. Sale of land on Lake George.

§ 2. This act shall take effect immediately.

CHAP. 299.

AN ACT entitled an act to enable the records of the signal
service department of the United States to be received and
read in evidence.

PASSED May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any record of the observations in regard to the condition of the weather taken under the direction of the signal service department of the United States, or a copy thereof, when certified under oath by the officer in charge thereof, at the place where the same are taken and kept, that the same is a true copy of such record, may be read in evidence in any court of this State, and shall be prima facie evidence of the facts and circumstances contained and stated therein. Signal service records, evidence.

§ 2. This act shall take effect immediately.

Repealed in 1880. See Co. Civ. Proc., § 944.

CHAP. 308.

Police
Justices.

AN ACT to amend section two of chapter five hundred and fourteen of the laws of eighteen hundred and seventy-five; entitled "An act to provide for the election of police justices in villages."

PASSED May 15, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 514,
Laws 1875,
ante, p. 210.

SECTION 1. Section two of chapter five hundred and fourteen of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the election of police justices in villages," is hereby amended so as to read as follows:

Jurisdic-
tion.

§ 2. Such police justice shall have, within the village in which he shall have been elected or appointed, and in cases where the alleged crime or misdemeanor has been committed within such village, exclusive jurisdiction, except as hereinafter provided, to issue all warrants, hear and determine all complaints and to conduct all examinations and trials in criminal cases that may now by law be had by a justice of the peace, or before a court of special sessions; and shall have the same power and jurisdiction in such criminal cases, which justices of the peace now have by law, or which may hereafter be conferred upon justices of the peace, by law, and shall have exclusive jurisdiction in all cases of violations of ordinances of the village of which he is police justice. He shall also have authority to administer oaths in verification of accounts and claims against the village, but shall have no other civil jurisdiction. He shall receive for his services an annual salary to be fixed by the board of trustees, which shall not be increased or decreased during his term of office, but shall not retain to his own use any costs or fees. Said justice shall be subject to the same liabilities, and his judgments and proceedings may be reviewed in the same manner and to the same extent as now by law provided in case of justices of the peace. It shall be the duty of the several justices of the peace of the town in which such village is wholly or partially situated, during the sickness, absence from the village, or inability to act, of the said police justice, or during a vacancy in said office, to render the same services and perform the same duties, and they shall be entitled to receive the same fees therefor as though no police justice had been elected or appointed in such village. But it shall not be lawful for said justices of the peace, to make any charge against such village, or the town or county in which the same is situate, for services rendered in or respecting criminal cases, trials or examinations in such village, or where the subject-matter thereof arose in such village, except as hereinbefore stated, during the sickness, absence from the village or inability to act of the said police justice, or during a vacancy in said office.

Salary.

Liabilities
— review
of judg-
ment.

In case of
sickness or
disability
or vacancy
in office.

§ 2. This act shall take effect immediately.

CHAP. 317.

AN ACT to amend section sixteen, title three, chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, to release firemen from the payment of poll tax. Villages.

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixteen, title three, chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, is hereby amended so as to read as follows:

Amending
Laws 1870,
ch. 291.
7 Edm. 681-
682.

§ 16. The trustees shall have power to raise, by assessment and tax, money for the expenditures required by the provisions of this act and the proceedings had thereunder, and may assess and collect a poll tax of one dollar on each male resident in the village between the ages of twenty-one and sixty years, except such male residents as may belong to and are active members of a fire engine, hose, hook and ladder, or other company formed and maintained for the purpose of extinguishing fires.

§ 2. This act shall take effect immediately.

CHAP. 319.

AN ACT to amend chapter four hundred and forty-six of the laws of eighteen hundred and sixty, entitled "An act for the protection of boarding-house keepers."

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and forty-six of the laws of eighteen hundred and sixty, entitled "An act for the protection of boarding-house keepers," is hereby amended so as to read as follows:

Amending
Laws 1860,
ch. 446.
4 Edm. 680.

§ 1. The keeper of a boarding-house shall have the same lien upon and right to detain the baggage and effects of any boarder to the same extent and in the same manner as innkeepers have such lien and right of detention; but nothing herein shall be deemed to give to any boarding-house keeper any lien upon or right to detain any property the title to which shall not be in such boarder.

§ 2. This act shall take effect immediately.

Reverses the rule held in *Jones v. Morrill*, 42 Barb. 623, that lien extended to goods of others brought on to premises. Lien exists only for board due, *Shaffer v. Guest*, 8 Robt. 24. What houses are within act, *Cody v. McDowell*, 1 Lans. 484. What guests, *Senari v. McCready*, 24 How. Pr. 62; *McIlvane v. Hilton*, 7 Hun, 594. Negligence of keeper, *Smith v. Bead*, 6 Daly, 38; 68 How. 14.

See L. 1879, ch. 580, *post*, p. 819.

CHAP. 329.

Baptist churches.

AN ACT securing to Baptist churches of the State of New York the benefits of incorporation, and repealing chapter six hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled 'An act to provide for the incorporation of religious societies,' passed April fifth, eighteen hundred and thirteen."

PASSED May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Incorporation.

SECTION 1. It shall be lawful for any Baptist church now organized, or that may hereafter be organized in this State, to secure the benefits of incorporation according to the provisions of this act.

Trustees.

§ 2. The members of any such church, of full age, and every person of full age who shall, for one year preceding, have been a paying pew-holder, or seat-holder in the place of worship of said church, or shall have been during said year a yearly paying subscriber for the support of said church, may assemble at the place of worship of said church, and by a majority of the votes of such persons elect three, six or nine of said qualified voters as a board of trustees, and such trustees and their successors shall be a body corporate by the title expressed in the certificate hereinafter required to be filed.

Notice of election.

§ 3. Public notice shall be given of the meeting for the first election of trustees under this act, and also of all subsequent meetings for the election of trustees, at one regular service of the church on each of the two Sundays next preceding such elections, the object, time and place of such meetings to be distinctly stated in said notices.

Term of office.

§ 4. The trustees thus elected shall be so divided by lot at the first election that one-third of them shall go out of office at the expiration of one year, one-third at the end of two years, and one-third at the end of three years; and thereafter the term of service of one-third of their number shall expire annually, and their place or places shall be filled by a new election, as provided in section third.

To file certificate.

§ 5. The trustees first elected shall file in the office of the clerk or register of the county in which the church is located, a certificate of their election, duly signed by the chairman and secretary of the meeting at which said election took place, and thenceforth the board of trustees so organized shall be a body corporate by the name expressed in the certificate so filed. Such trustees shall hold regular meetings for business at such time and place as they may appoint, and special meetings may be called by any three of them; a majority of the whole number should be a quorum for the transaction of business, and a majority of the votes cast on any question shall decide such question.

Trustee meetings.

Powers of trustees.

§ 6. Such trustees shall have and use a common seal, and may renew and alter the same at their pleasure, and shall take charge of the property of said church, both real and personal; transact all business relating to the renting of pews, the payment of the pastor's salary, and all the other temporalities of said church; but such trustees shall have no right to divert the property of said church from uses appointed by the church, or to settle or remove any pastor or minister of said church,

or to change or determine his salary or compensation; or to fix or change the times, nature or order of the public or social worship of said church; or to alienate, sell or incumber the property of said church, or to incur debts beyond what may be necessary for the proper care, repairs and preservation of the property of said church, unless such authority is specially conferred by said church upon such trustees; and such authority to alienate, sell or incumber shall be valid only when approved by a majority present at a meeting of the persons qualified to vote for trustees, such meeting to be called as provided in section third of this act. In other respects the trustees shall have all the rights, powers and duties granted by law to trustees of religious corporations.

§ 7. Whenever a person elected trustee shall, for the term of six consecutive months, cease to attend and to support the worship of said church, his place may be declared vacant by an official notice of the board of trustees to the church, and a new election shall be ordered to fill such vacancy, as provided in section third of this act.

Vacancy.

(Another section was added by ch. 126, Laws 1879.)

CHAP. 331.

AN ACT in relation to the Western New York Institution for Deaf Mutes.

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Western New York Institution for Deaf Mutes, at Rochester, is hereby authorized to receive deaf and dumb persons between the ages of twelve and twenty-five years, eligible to appointment as State pupils, and who may be appointed to it by the Superintendent of Public Instruction, and the Superintendent of Public Instruction is authorized to make appointments to said institution in the same manner and upon the same conditions as to the New York Institution for the Instruction of the Deaf and Dumb.

§ 2. Supervisors of towns and wards and overseers of the poor are hereby authorized to send to the Western New York Institution for Deaf Mutes, deaf and dumb persons between the ages of six and twelve years, in the same manner and upon the same conditions as such persons may be sent to the New York Institution for the Instruction of the Deaf and Dumb, under the provisions of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three.

§ 3. This act shall take effect immediately.

CHAP. 333.

Murder.

AN ACT to amend chapter six hundred and forty-four of the laws of eighteen hundred and seventy-three, in relation to the crime of murder.

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 644,
Laws 1873.
9 Edm. 667.
5 id. 149.
2 id. 677.

SECTION 1. Section one of chapter six hundred and forty-four of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'an act to repeal chapter four hundred and ten,' passed April fourteenth, eighteen hundred and sixty, and chapter three hundred and three, passed April seventeenth, eighteen hundred and sixty-one, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson," passed April twelfth, eighteen hundred and sixty-two, is hereby amended so as to read as follows:

§ 1. Section six of the act entitled "An act to repeal chapter four hundred and ten, passed April fourteenth, eighteen hundred and sixty, and chapter three hundred and three, passed April seventeenth, eighteen hundred and sixty-one, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson," passed April twelfth, eighteen hundred and sixty-two, is hereby amended so as to read as follows: section five of said title shall be so altered as to read as follows:

Murder in
the first
degree.

§ 5. Such killing, unless it be manslaughter, or excusable or justifiable homicide, as hereinafter provided, shall be murder in the first degree, in the following cases: First, when perpetrated from a deliberate and premeditated design to effect the death of the person killed or of any human being. Second, when perpetrated by an act imminently dangerous to others, and evincing a depraved mind, regardless of human life, although without any premeditated design to effect the death of any particular individual. Third, when perpetrated by a person engaged in the commission of any felony. Such killing, unless it be murder in the first degree, or manslaughter, or excusable or justifiable homicide, as hereinafter provided, shall be murder in the second degree when perpetrated intentionally, but without deliberation or premeditation.

Murder in
the second
degree.

Not retro-
active.

§ 2. Indictments and prosecutions now pending, or which may be hereafter instituted for any offense which shall have been committed prior to the passage of this act, shall be instituted and proceeded with in all respects as if this act had not been passed.

§ * This act shall take effect immediately.

See *People v. Baiting*, 49 How. 392; *Shuffin v. People*, 4 Hun, 16; aff'd, 62 N. Y. 229; *Fitzgerald v. People*, 37 N. Y. 413, 635; *Manuel v. People*, 48 Barb. 548; *Ruloff's Case*, 11 Abb. Pr. 245. Acts dangerous to others, *People v. Sheriff*, 1 Park. Cr. 659; *Durvy v. People*, 10 N. Y. 120; *Blake v. People* (Ct. App.), 17 Alb. Law Jour. 262; *People v. Buel*, 18 Hun, 487; aff'd, 78 N. Y. 492; *People v. Cox*, 19 Hun, 430 (aff'd in Ct. App.).

* So in the original.

CHAP. 339.

AN ACT authorizing the appointment of extra guard and an engineer at the Auburn prison.

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the number of guards now authorized by law at the Auburn prison, the Inspectors of State Prisons may when the number of convicts exceed in number the number of cells thereat, appoint one additional or extra guard for each thirty convicts or a fractional part thereof, which may be from time to time confined in said prison in excess of the number of cells therein, for the purpose of guarding such excess of convicts nights, and the compensation of such guard shall be the same as allowed by law to guards at said prison.

§ 2. The Comptroller is hereby authorized and directed to allow payment for such extra guard that may have been employed at said prison since the first day of December, one thousand eight hundred and seventy-five, in guarding the excess of convicts over the number of cells in said prison, at the same compensation and in the same rates as provided for in section one of this act.

§ 3. The said Inspectors of State Prisons may appoint an engineer at the Auburn prison, and his compensation shall be seventy-five dollars per month.

§ 4. This act shall take effect immediately.

CHAP. 340.

AN ACT to amend the act entitled "An act to construct and protect sidewalks along highways," passed March tenth, eighteen hundred and sixty.

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections one and two of the act entitled "An act to construct and protect sidewalks along highways," passed March tenth, one thousand eight hundred and sixty, are hereby amended so as to read as follows:

§ 1. It shall be lawful for any person owning or occupying lands adjoining a highway, road or lane, to construct a sidewalk within said highway, road or lane, along the line of such land or the lands of others, with the consent of such owner or owners, and when a sidewalk shall be or has been so constructed, every person or persons who shall ride, drive or lead a horse or team upon any such sidewalk, except for the purposes of crossing the same, shall forfeit not less than two nor more than five dollars for each offense, in the discretion of the court, one-half for the use of the complainant and the other half to the overseer of the road district, to be expended in the improvement of sidewalks therein, to be recovered in any court having cognizance thereof, with costs of suit.

Amending
ch. 61,
Laws 1860,
§ Edm. 544.

Sidewalks
to be con-
structed.

Neglect to
prosecute
for pen-
alty.

§ 2. Whenever any owner or occupant of any such land shall refuse or neglect to prosecute for the forfeiture incurred by such trespass, it shall be lawful for any other party or person interested or who shall reside in the said district in which the sidewalk is constructed, to prosecute in his own name the person or persons so incurring such forfeiture, the proceeds of which shall go, one-half to the prosecutor for his trouble and expense and the other half for the improvement of sidewalks, as in section first.

CHAP. 341.

Life insur-
ance.

AN ACT regulating the forfeiture of life insurance policies.

PASSED May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amended
1877, ch.
321, post, p.
567.

SECTION 1. No life insurance company doing business in the State of New York shall have power to declare forfeited or lapsed any policy hereafter issued or renewed, by reason of non-payment of any annual premium or interest, or any portion thereof, unless a notice in writing, stating the amount of annual premiums or interest due and when due on such policy, and the place where said premium or interest may be paid, shall have been duly addressed and mailed by the company issuing such policy to the insured, postage paid, at his or her last known post-office address, not less than thirty nor more than sixty days next before such payment becomes due, according to the terms of such policy.

§ 2. The affidavit of any officer, clerk or agent of the company that the notice to the assured, provided for in section one, has been duly addressed and mailed by the company issuing such policy to the assured, shall be presumptive evidence of such notice having been duly given,

§ 3. This act shall take effect immediately.

See chap. 347, L. 1879, *post*, p. 772.

CHAP. 343.

AN ACT supplementary to chapter four hundred and ninety-two of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Home for the Friendless in Northern New York."

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of managers of the "Home for the Friendless in Northern New York," may consent to the adoption of any child that has been or may hereafter be surrendered to the care and management of such association, or that has been or shall hereafter be placed in its care and keeping by any county superintendent of the poor, or overseer of the poor, or other officer charged with the support and relief of indigent persons; and no other consent required by the act entitled "An act to legalize the adoption of minor children by adult persons," passed June twenty-fifth, eighteen hundred and seventy-three, except that required by the third section of said act, shall be necessary for the adoption of such child.

Consent to adoption of children.

§ 2. This act shall take effect immediately.

Ante, vol. 9, p. 779.

CHAP. 346.

AN ACT further to amend chapter four hundred and twenty-five of the laws of eighteen hundred and fifty-five, entitled "An act to facilitate the forming of agricultural and horticultural societies."

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter four hundred and twenty-five of the laws of eighteen hundred and fifty-five, entitled "An act to facilitate the forming of agricultural and horticultural societies," is hereby further amended so as to read as follows:

Amending ch. 425, Laws 1855, § Edm. 766.

§ 4. Any person who shall pay into the treasury of said society annually a sum not less than one dollar, as prescribed by the by-laws of said society, shall be an annual member thereof and entitled to all the privileges and immunities thereof.

Annual members.

§ 2. This act shall take effect immediately.

See ch. 512, L. 1875, *ante*, p. 172.

CHAP. 347.

AN ACT to amend chapter eight hundred and thirty-one of the laws of eighteen hundred and seventy-one, entitled "An act for the protection of private parks and grounds, and to encourage the propagation of fish and game."

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 831,
Laws 1871,
§ Edm. 208.

SECTION 1. The third section of chapter eight hundred and thirty-one of the laws of eighteen hundred and seventy-one, being an act entitled "An act for the protection of private parks and grounds, and to encourage the propagation of fish and game," is hereby amended so as to read as follows:

Penalty
for inju-
ries to
private
parks, &c.

§ 3. Any person who shall cut, break or destroy any fence or inclosure, or any tree, branch, shrub or underwood, or shall put on said grounds, or in the waters thereon, any poisonous or other deleterious substance, or who shall trespass upon said park or grounds shall, in addition to treble damages to be recovered in a civil action to be brought by said owner, lessee or occupant, be guilty of a misdemeanor.

§ 2. The fourth section of said act is hereby amended so as to read as follows:

§ 4. Any person who shall willfully and maliciously deface or destroy any sign or notice posted or put up as aforesaid, or who shall place any object against or near such fence or inclosure, so that dogs or other animals can gain access or get into said park or grounds, or so that animals kept therein can escape therefrom, or who shall put or take into said park or grounds any dog or other destructive animal, or who shall, without first obtaining permission of such owner, occupant or lessee, shoot, fish or hunt, or attempt to shoot, fish or hunt, upon said grounds or in the waters thereon, or who shall be found therein or thereon with any line, hook, rod, reel, pole, net, gun, or any implement, weapon, tool or engine with the intention of killing or taking any fish or game, shall be guilty of a misdemeanor, and shall also be liable to a penalty of two dollars for each fish, and an additional fine of five dollars for each and every pound of fish so killed, caught or taken, in addition to treble damages, to be recovered in a civil action, with costs, to be brought by said owner, lessee or occupant.

§ 3. The sixth section of said act is hereby amended so as to read as follows:

Justices to
have juris-
diction.

§ 6. Upon complaint made on oath to any justice of the peace or other magistrate in the county wherein such land or any part thereof is situated, that any person has committed any of the offenses specified in the third or fourth sections of this act, such justice or magistrate shall issue his warrant for the apprehension of the offender, and cause him or her to be brought before him for examination. But any person found in or on such land or the waters thereon, after sunset and before sunrise, committing any of the offenses specified in sections third and fourth of this act, may be arrested without warrant and brought before such justice or magistrate for examination by such owner, occupant or lessee, or by any person or persons in his or her employ having charge or care of such grounds or waters, or any part thereof.

Arrest
without
warrant.

§ 4. The ninth section of said act is hereby amended so as to read as follows:

• § 9. No conviction or sentence shall be had, under the provisions of this act, without trial by jury of the party arrested, if demanded, according to the law in cases of trial for other misdemeanors. All fines, penalties and damages imposed under the provisions of this act may be recovered with costs of suit by the owner, occupant or lessee of the land in his, her or their own names, by an action in the Supreme Court, or any court of competent jurisdiction of this State, which action shall be governed by the same rules as other actions in said Supreme Court or other court of record. On the non-payment of any judgment recovered in pursuance hereof, the defendant shall be committed to the common jail of the county in which such action shall be brought, for the period which shall be computed at the rate, one day for each dollar of the amount of judgment, not to exceed thirty days.

Trial by jury.

Recovery of fines and penalties.

Imprisonment for non-payment of judgment.

See L. 1879, chap. 534, and L. 1880, chap. 531, *post*, pp. 320, 1046.

CHAP. 348.

AN ACT to amend section thirty-two, part first, title one, article three, chapter sixteen of the Revised Statutes.

PASSED May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-two of the Revised Statutes, entitled Of highways, bridges and ferries, is hereby amended so as to read as follows:

Amending
1 R.S. 508.
1 Edm. 468.

§ 32. It shall be the duty of overseers of highways to give at least twenty-four hours' notice to all persons assessed to work on the highways and residing within the limits of their respective districts, of the time and place where they are to appear for that purpose, and with what implements, and also that they will be allowed for work at the rate of eight hours per day for all the hours for which they may work on the highways between the hour of seven o'clock in the forenoon and six o'clock in the afternoon. The highway tax upon any land or property shall be worked out or commuted for in the district in which said land or property is situated, and if commuted for, the money shall be paid to the overseer of said district for the benefit of the roads and bridges in said district; but this act shall not apply to or affect any county, city, village, town or district where the disposition of the highway tax has been provided for by special enactment.

Notice to work.

When work to be done.

§ 2. This act shall take effect immediately.

CHAP. 357.

AN ACT to amend section one of chapter one hundred and seventy of the laws of eighteen hundred and seventy-five, entitled "An act to amend section nine of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'"

PASSED May 19, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 170,
Laws 1875,
ante, p. 73.
4 Edm. 218.

SECTION 1. Section one of chapter one hundred and seventy of the laws of eighteen hundred and seventy-five, entitled "An act to amend section nine of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,'" is hereby amended so as to read as follows:

§ 1. Section nine of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies," is hereby amended so as to read as follows:

Purchase
of real
estate.

§ 9. No company organized under this act shall be permitted to purchase, hold or convey real estate except for the purpose or in the manner herein set forth, to wit:

1. The building in which is contained its principal offices and the land upon which it stands; or,

2. Such as shall be requisite for its accommodation in the transaction of its business; or,

3. Such as shall have been acquired for the accommodation of its business previous to the passage hereof; or,

4. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due; or,

5. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealing; or,

6. Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts. And it shall not be lawful for any company incorporated as aforesaid to purchase, hold or convey real estate in any other case, or for any other purpose. And all such real estate mortgaged and conveyed in satisfaction of debt or acquired by purchase at sale as aforesaid, shall be sold and disposed of within five years after such company shall have acquired title to the same; unless the said company shall procure a certificate from the Superintendent of the Insurance Department that the interests of the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such time as the said Superintendent shall direct in said certificate.

Sale of
real estate.

To apply
to all com-
panies.

§ 2. This act shall apply to all life insurance companies organized under the laws of this State.

§ 3. This act shall take effect immediately.

CHAP. 358.

AN ACT to amend chapter eight hundred and thirty-eight of the laws of eighteen hundred and sixty-six, entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February seventeenth, eighteen hundred and forty-eight."

PASSED May 19, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter eight hundred and thirty-eight of the laws of eighteen hundred and sixty-six, entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February seventeenth, eighteen hundred and forty-eight," is hereby amended so as to read as follows:

Amending
ch. 838,
Laws 1866,
§ 6 Edm. 87L.

§ 3. It shall be lawful for any company heretofore or hereafter organized under the provisions of this act, or the act hereby amended, to hold stock in the capital of any corporation engaged in the business of mining, manufacturing or transporting such materials as are required in the prosecution of the business of such company so long as they shall furnish or transport such materials for the use of such company and for two years thereafter, and no longer; and also to hold stock in the capital of any corporation which shall use or manufacture materials, mined or produced by such company; and the trustees of such company shall have the same power with respect to the purchase of such stock and issuing stock therefor as are now given by the law with respect to the purchase of mines, manufactories and other property necessary to the business of manufacturing, mining and other companies. But the capital stock of such company shall not be increased without the consent of the owners of two-thirds of the stock to be obtained as provided by section twenty-one and twenty-two of the act hereby amended.

May hold
stock in
certain
compa-
nies.

§ 2. This act shall take effect immediately.

CHAP. 359.

AN ACT to amend chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, entitled "An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein," passed May twenty-eight, eighteen hundred and seventy-five.

PASSED May 19, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and sixty-five, of the laws of eighteen hundred and seventy-five, entitled, "An act to

Amending
ch. 465,
Laws 1875,
ante, p. 154.

require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance companies not organized under the laws of the State of New York but doing business therein," is hereby amended so as to read as follows:

Agents of non-resident companies to pay two dollars on the hundred to fire departments.

§ 1. There shall be paid to the treasurer of the fire department of every city or incorporated village of this State, for the use and benefit of such fire department, and when no treasurer of a fire department exists, then to the treasurer of such city or village, who, for the purpose of this act, shall have the same powers as the treasurers of fire departments, on the first day of November of each year, by every person who shall act as agent for or on behalf of any individual or association of individuals, not incorporated by or under the laws of this State, to effect insurance against loss or injury by fire upon property in this State, although such individual or association may be incorporated for that purpose by any other State or country, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums, which during the year or part of a year, ending on the last preceding first day of September, shall have been received by such agent or person, or received by any other person for him, or shall have been agreed to be paid for any insurance effected or agreed to be effected, or promised by him as such agent or otherwise, to be effected against loss or injury by fire, upon property situate within the corporate limits of such city or village.

§ 2. Section two of said act is hereby amended so as to read as follows:

Agents to give bonds.

§ 2. No person shall, as agent or otherwise for any individual, individuals or association, effect or agree to effect any insurance upon any property situate in any city or incorporated village of this State, upon which the above duty is required to be paid, or as agent or otherwise procure such insurance to be effected until he shall have executed and delivered to the treasurer of the fire department of the city or village in which the property insured is situated, or if no treasurer of a fire department exists, then to the treasurer of such city or village, a bond to such fire department in the penal sum of five hundred dollars, with such sureties as such treasurer shall approve, with a condition that he will annually render to said treasurer, on the first day of November in each year, a just and true account, verified by his oath that the same is true of all premiums which, during the year ending on the first day of September preceding such report, shall have been received by him or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire upon property situate in such city or village which shall have been effected or procured by him to be effected for any individual, individuals or association not incorporated by the laws of this State as aforesaid, and that he will annually, on the first day of November in each year, pay to said treasurer two dollars upon every hundred dollars, and at that rate upon the amount of such premiums.

§ 3. Section four of said act is hereby amended so as to read as follows:

New York and Albany, ante, p. 155.

§ 4. None of the provisions of this act shall apply to the cities of New York or Albany.

CHAP. 363.

AN ACT to repeal part of chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend the act passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend the act passed February seventeen, eighteen hundred and forty-eight,' entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed April twentieth, eighteen hundred and seventy-one.'"

Corporations.

PASSED May 19, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, which reads as follows, namely: "The stockholders of any corporation hereafter formed under the act hereby amended, or any act amendatory thereof or supplementary thereto, or extending the operation and effect thereof, shall, in addition to the liabilities provided for in said acts, be individually responsible, equally and ratably, in an amount to the extent of their respective shares of stock in such corporation. The term stockholder, as used in this section, shall apply not only to such persons as appear by the books of the corporation or association to be such, but also to every equitable owner of stock, although the same may appear on such books in the name of another person; and also to every person who shall have advanced the installments or purchase money of any stock in the name of any person under twenty-one years of age, and while such person remains a minor, to the extent of such advance; and also to every guardian or other trustee who shall voluntarily invest any trust funds in such stock; and no trust funds in the hands of such guardian or trustee shall be in any way liable under the provisions of this act and the acts aforesaid, by reason of any such investment, nor shall the person for whose benefit any such investment may be made be responsible in respect to such stock until thirty days after the time when such persons, respectively, become competent and able to control and dispose of the same; but the guardian or other trustee making such investment as aforesaid shall continue responsible as a stockholder until such responsibility devolves upon the person beneficially interested therein; and in respect to stock held by a guardian or other trustee under a transfer of the same by a third person, or under positive directions by a third person for such investment, the person making such transfer or giving such directions, and his executors and administrators shall, for the purposes of this act and the acts aforesaid, be deemed a stockholder, and the estate of such person, if he be deceased, shall be responsible for the debts and liabilities chargeable on such stock according to the provisions of this act," is hereby repealed.

Amending
ch. 149,
Laws 1874,
§ Edm. 866
Liability
of stock-
holders.

Who are
stock-
holders.

§ 2. This act shall take effect immediately.

CHAP. 366.

AN ACT to amend chapter five hundred and eighty-six of the laws of eighteen hundred and seventy-three, entitled "An act to amend the twenty-third section of article first, title four, chapter second, part fourth, of the Revised Statutes, entitled 'Of the return and summoning of grand juries, their powers and duties.'"

PASSED May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 584,
Laws 1873.
§ Edm. 667.
§ Id. 747.

SECTION 1. The first section of chapter five hundred and eighty-six of the laws of eighteen hundred and seventy-three, entitled "An act to amend the twenty-third section of article first, title four, chapter second, part fourth of the Revised Statutes, entitled "Of the return and summoning of grand jurors,* their powers and duties," is hereby amended so as to read as follows:

Grand
jurors.

SECTION 1. The twenty-third section of article first, title four, chapter second, part fourth of the Revised Statutes, is hereby amended so as to read as follows:

Addition-
al grand
jurors.

§ 23. If at any court of oyer and terminer, or court of sessions, there shall not appear at least sixteen persons duly qualified to serve as grand jurors, who shall have been summoned for that purpose, or if the number of grand jurors attending shall be reduced below sixteen by any of them being discharged or otherwise, such court shall, by an order to be entered in its minutes, require the clerk of the county to draw, and the sheriff to summon such additional number of grand jurors as it shall deem necessary, which number shall be specified in said order. The clerk of the county in which such court is held shall forthwith, in the presence of said court, proceed publicly to draw from the jury box containing the names of all persons in attendance, and not excused, who have been drawn to serve as petit jurors for that term of the court, the names of as many persons as there shall be additional grand jurors required by said order, and when such drawing is completed, the said clerk shall make duplicate lists of the persons so drawn, each of which shall be certified by him to be a correct list of the names of the persons so drawn by him, one of which he shall file in his office, and the other he shall deliver to the sheriff of the county. The sheriff shall thereupon proceed to summon the persons mentioned in such list to appear forthwith in the court in which the order requiring the attendance of such jurors shall have been made* and the persons so drawn and summoned, unless excused, shall be grand jurors of said court for every purpose and in every respect as though they had been drawn and summoned as members of the regular panel of grand jurors for said term, and said court is hereby prohibited from completing said grand jury in any other way than under the provisions of this act. After the discharge of said grand jury by the court, the names of the persons so drawn as aforesaid shall be returned to the jury box from which they were drawn, and said persons shall discharge their duties as petit jurors for the remainder of said court.

How
drawn.

Sum-
moned.

After
discharge.

§ 2. This act shall take effect immediately.

* So in the original.

CHAP. 372.

AN ACT to amend chapter four hundred and twenty-one of the laws of eighteen hundred and seventy-four, entitled "An act to secure to children the benefits of an elementary education."

PASSED May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter four hundred and twenty-one of the laws of eighteen hundred and seventy-four, entitled "An act to secure to children the benefits of an elementary education," is hereby amended so as to read as follows: Amending
ch. 421,
Laws 1874,
§ Edm. 909.

§ 2. No child under the age of fourteen years shall be employed by any person to labor in any business whatever during the school hours of any school day of the school term of the public school in the school district or the city where such child is, unless such child shall have attended some public or private day school where instruction was given by a teacher qualified to instruct in spelling, reading, writing, geography, English grammar and arithmetic, or shall have been regularly instructed at home in said branches by some person qualified to instruct in the same, at least fourteen weeks of the fifty-two weeks next preceding any and every year in which such child shall be employed, and shall, at the time of such employment, deliver to the employer a certificate in writing, signed by the teacher or a school trustee of the district or of a school, and countersigned by such officer as the board of education or public instruction, by whatever name it may be known in any city, incorporated village or town, shall designate, certifying to such attendance or instruction; and any person who shall employ any child contrary to the provisions of this section shall, for each offense, forfeit and pay a penalty of fifty dollars to the treasurer or chief fiscal officer of the city, or supervisor of the town, in which such offense shall occur; the said sum or penalty, when so paid, to be added to the public school money of the school district in which the offense occurred. When
children
under
fourteen
not to be
employed
during
school
hours.

Penalty.

§ 2. Section three of said act is hereby amended so as to read as follows:

§ 3. It shall be the duty of the trustee or trustees of every school district, or public school, or union school, or of officers appointed for that purpose by the board of education or public instruction, by whatever name it may be known, in every town and city, in the months of September and of February of each year, and at such other times as may be deemed necessary, to examine into the situation of the children employed in all manufacturing and other establishments in such school district where children are employed; and in case any town or city is not divided into school districts, it shall, for the purposes of the examination provided for in this section, be divided by the school authorities thereof into districts, and the said trustees or other officers as aforesaid notified of their respective districts on or before the first day of January of each year; and the said trustee or trustees, or other officers as aforesaid, shall ascertain whether all the provisions of this act are duly observed, and report all violations thereof to the treasurer or chief fiscal officer of said city, or supervisor of said

Trustees
to exam-
ine into
situation
of chil-
dren.

town. On such examination the proprietor, superintendent or manager of said establishment shall, on demand, exhibit to said examining trustee, or other officers as aforesaid, a correct list of all children between the ages of eight and fourteen years employed in said establishment, with the said certificates of attendance on school or of instruction.

§ 3. Section five of said act is hereby amended so as to read as follows:

Trustees
to see to
the en-
forcement
of certain
sections
of this
act.

Forfeiture
for viola-
tion of
prior sec-
tions.

§ 5. The trustee or trustees of any school district or public school, or the president of any union school, or such officer as the board of education of said city, incorporated village or town may designate, is hereby authorized and empowered to see that sections one, two, three, four and five of this act are enforced, and to report in writing all violations thereof to the treasurer or chief fiscal officer of his city, or to the supervisor of his town; any person who shall violate any provision of sections one, three and four of this act shall, on written notice of such violation from one of the school officers above named, forfeit, for the first offense, and pay to the treasurer or chief fiscal officer of the city, or to the supervisor of the town in which he resides, or such offense has occurred, the sum of one dollar, and, after such first offense, shall, for each succeeding offense in the same year, forfeit and pay to the treasurer of said city or supervisor of said town, the sum of five dollars for each and every week, not exceeding thirteen weeks in any one year, during which he, after written notice from said school officer, shall have failed to comply with any of said provisions; the said penalties, when paid, to be added to the public school money of said school district in which the offense occurred.

§ 4. Section seven of said act is hereby amended so as to read as follows:

Where
child
refuses to
attend
school.

§ 7. In case any person having the control of any child, between the ages of eight and fourteen years, is unable to induce said child to attend school for the said fourteen weeks in each year, and shall so state in writing to said trustee, or said other officers appointed by the board of education or public instruction by whatever name it may be known, the said child shall, from and after the date and delivery to said trustee, or other officer as aforesaid, of said statement in writing, be deemed and dealt with as an habitual truant, and said person shall be relieved of all penalties incurred for said year after said date, under sections one, four and five of this act, as to such child.

§ 5. Section eight of said act is hereby amended so as to read as follows:

Board of
education
to make
rules and
regula-
tions as to
truants,
etc.

§ 8. The board of education or public instruction, by whatever name it may be called, in such city and incorporated village, and the trustees of the school districts and union school in each town, by an affirmative vote of a majority of said trustees, at a meeting or meetings to be called for this purpose, on ten days' notice in writing to each trustee, said notice to be given by the town clerk, are for each of their respective cities and towns hereby authorized and empowered and directed, on or before the first day of January, eighteen hundred and seventy-seven, to make all needful provisions, arrangements, rules, and regulations, concerning habitual truants and children between said ages of eight and fourteen years of age, who may be found wandering about the streets or public places of such city or town during the school hours of the school day of the term of the public school of said city or town, having no lawful occupation or business, and growing up in ignorance; and said provisions, arrangements, rules and

regulations shall be such as shall, in their judgment, be most conducive to the welfare of such children, and to the good order of such city or town; and shall provide suitable places for the discipline and instruction and confinement, when necessary, of such children, and may require the aid of the police of cities, or incorporated villages, and constables of towns, to enforce their said rules and regulations, provided however, that such provisions, arrangements, rules and regulations shall not go into effect, as laws for said several cities and towns, until they shall have been approved, in writing, by a justice of the Supreme Court for the judicial district in which said city, incorporated village or town is situated; and, when so approved, he shall file the same with the clerk of the said city, incorporated village or town, who shall print the same, and furnish ten copies thereof to each trustee of each school district, or public or union school of said city, incorporated village or town. The said trustee shall keep one copy thereof posted in a conspicuous place in or upon each school-house in his charge during the school terms each year. In like manner the same in each city, incorporated village or town may be amended or revised, within six months after the passage of this act, and thereafter annually as the trustee or trustees of any school district or public school, or the president of any union school, or the board of education or public instruction, or by whatever name it may be known, in any city, incorporated village, or town, may determine.

To provide suitable places of discipline.

Rules to be approved, filed and printed.

§ 6. This act shall take effect immediately.

CHAP. 373.

AN ACT to provide for the formation of road districts, in certain cases within the corporate jurisdiction of plank and turnpike road companies, and for the maintenance and improvement of roads therein. Highways.

PASSED May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the owners of real estate lying along the line of any plank or turnpike road, representing two-thirds of the frontage on such road, for a distance of not less than one mile continuously, and not included within the limits of any incorporated city or village, shall apply in writing to the county court of the county in which such road shall be situated, and shall present to such court the assent, in writing, to such application of the directors of such plank or turnpike road company, and of the supervisor and commissioners of highways of town or towns in which such road is situated, the said court, at any regular session thereof, may constitute that portion of such road described in the said application a separate road district, to be exempt from the jurisdiction of the commissioner of highways of the town or towns in which such district shall be situated.

Application for separate road district.

§ 2. Whenever a road district shall be constituted as provided in the preceding section, the said court shall appoint, under its seal, three commissioners, whose duties shall be as herein prescribed. Before entering upon the duties of their office, the commissioners shall take and file in the office of the clerk of the town in which they shall reside,

Commissioners to be appointed.

the Constitutional oath of office, and shall execute to the supervisor of the town a bond for such amount as the supervisor shall prescribe, with sufficient sureties, to be approved by him, and conditioned for the faithful performance of their duties.

Proceed-
ings —
improving
road.

§ 3. The commissioners, immediately upon being so qualified, shall call a meeting of the owners of the real estate fronting on such road, of which meeting at least six days' personal notice shall be given to each resident owner, and a similar notice in writing mailed to each non-resident owner at his usual post-office, at which meeting, when held, it shall be lawful, by the vote of a majority of the real estate owners thus notified and attending, to direct the grading, macadamizing or otherwise improving of such road, and the raising by tax on the property fronting on such road, and on the personal property in the district liable to taxation for highway purposes, the sums necessary to be expended for the same.

Tax, how
levied and
collected.

§ 4. The taxes authorized to be raised by the last preceding section shall be levied by the commissioners on the property liable for the same, on the basis of the assessment made in the last annual assessment roll of the town. In cases where the property to be assessed shall front in part on such plank road and in part on some other road, the commissioners shall determine what portion of such property shall be included within their road district. And in case they shall be unable to agree upon the ratable valuation of the part so included, or the person owning or representing such property shall be aggrieved by the assessment thereon, appeal may be had on ten days' notice in writing by the contesting party, to the opposite party, to the assessors of the town, whose decision in the case when duly certified and filed in the office of the town clerk, shall be final. The tax-list shall also include the names of all persons liable to poll tax in the district, and the tax chargeable by law to such persons, and the list, when completed, shall be verified by the oath of the commissioners, and one copy shall be filed in the office of the clerk of the town, and a second copy delivered to the supervisor, who shall present the same to the board of supervisors of the county at their next annual session, and the said board shall cause such tax to be levied and collected in the same manner as other taxes are levied and collected by their authority. The tax for such road district shall be stated in the town roll in a separate item from other taxes. The proceeds of such tax, when collected, shall be paid to the said commissioners, and shall be by them applied solely to the purpose for which such tax was raised. And the same remedies as are by law applicable to delinquent State, county and town taxes, shall apply to delinquencies occurring in the taxes levied in pursuance of this act.

Map of
taxable
lands.

§ 5. The commissioners above named shall cause to be made and filed in the office of the town clerk in which such road district shall be situated, a map describing the lands situated therein liable to taxation for the purposes of this act.

Term of
office and
duties of
commis-
sioners.

§ 6. The term of office of such commissioners shall be one year from the time they shall be qualified as herein provided; and one week before the expiration of their term of office, on notice published in the nearest newspaper, the persons liable to be taxed for the purposes herein provided, in any such district, shall assemble at some place within the district, to be named in the notice, and elect by the votes of a majority of their number present, three commissioners to take the place of the commissioners first appointed. The commissioners thus chosen shall perform the same duties and be subject to the same liabilities as the

commissioners first appointed, and shall hold their office for one year, and until their successors shall be duly elected and qualified as herein provided; and elections for the choice of such commissioners shall thereafter be held annually in the same manner, one week before the expiration of the term of the outgoing commissioners. At each annual meeting for the election of officers, the lawful voters thereat, shall by the vote of a majority of their number, fix the sum to be raised during the year for the maintenance and improvement of the road in the district.

Number
of.

§ 7. At each such annual meeting, such commissioners shall present thereat a detailed statement of their receipts and expenditures for the past year, which statement shall within six days after such presentation be filed in the office of the town clerk.

Annual
statement.

§ 8. The commissioners shall have authority to borrow, on their official bond, any sum of money not exceeding in any year the amount of tax authorized to be raised therein, and in anticipation of such tax, which they shall need for the purposes contemplated by this act.

May
borrow
money.

§ 9. The commissioners shall receive no compensation for their services, but may appoint such foreman as they shall deem necessary to superintend the work to be done in the district, and pay them a reasonable compensation for their services. But the commissioners may be reimbursed, out of the funds of the district for the actual expenses which they may necessarily incur in the discharge of their duties, the accounts for which expenses they shall respectively verify by their oaths.

Commis-
sioners to
receive no
compensa-
tion.

§ 10. No toll gate or toll bar shall be maintained by any plank-road or turnpike company within any road district formed pursuant to this act, nor shall any toll be exacted of any person, nor of the members of the immediate family of such person, who shall be taxed or be liable to taxation for the support of the road in such district.

Toll.

§ 11. The provisions of this act shall not apply to any road whose charter term remaining unexpired shall exceed five years.

Limita-
tion.

§ 12. This act shall take effect immediately.

CHAP. 374.

AN ACT to amend section nine of chapter five hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled 'An act to revise and consolidate the general acts relating to public instruction.'"

Public In-
struction.

PASSED May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter five hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled 'An act to revise and consolidate the general acts relating to public instruction,'" is hereby amended so as to read as follows:

Amending
ch. 567,
Laws 1875,
ante, p. 187.

6 Edm. 312.

§ 9. Section six of title three of said act is hereby amended so as to read as follows:

Appor-
tionments
for pay of
commis-
sioners.
To cities
and
villages.

Library
moneys.

Conti-
nent fund.
Indian
schools.

Remain-
der.

§ 6. He shall apportion and set apart from the income of the United States deposit fund so appropriated, the amounts required to pay the annual salaries of the school commissioners elected or elective under this act, to be drawn out of the treasury and paid to the several commissioners, as hereinbefore provided; and he shall also apportion to each of the cities of the State, and to each of the incorporated villages of the State, having a population of five thousand and upwards, which, under a special act, employs a superintendent of common schools, or a clerk of the board of education, who does the duty of supervision, out of the income of the said fund, and if insufficient the deficiency out of the free school fund, so appropriated, the sum of eight hundred dollars, and in case any city is entitled to more than one Member of Assembly according to the unit of representation adopted by the Legislature, five hundred dollars for each additional Member of Assembly, to be expended according to law, for the support of the common schools of the city. He shall then set apart, from the income of the United States deposit fund, for and as library moneys, such sum as the Legislature shall appropriate for that purpose. He shall also set apart from the free school fund a sum not exceeding four thousand dollars for a contingent fund. He shall then set apart and apportion, for and on account of the Indian schools under his supervision, a sum which will be equitably equivalent to their proportion of the State school money, upon the basis of distribution established by this act, such sum to be wholly payable out of the proceeds of the State tax for the support of common schools. After deducting the said amounts, he shall divide the remainder of the State school moneys into two parts, one to be one-third and the other to be two-thirds of such remainder, and shall apportion them as hereinafter specified.

§ 2. This act shall take effect immediately.

CHAP. 376.

AN ACT to prevent the deposit of mud, earth, soil, ashes or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof.

PASSED May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Dumping
in river
pro-
hibited.

SECTION 1. It shall be unlawful for any person or persons, by means of any boats, scows or vessels, or in any other manner whatever, to cast, throw, dump or deposit any mud, earth, soil, ashes, refuse, stone, rock or other solid substance or materials, into the waters of the North or Hudson river, or to place, construct or build any contrivance, substance or thing whatever, within said waters, which shall or may operate in any manner whatever to lessen or decrease the depth of such waters, or in any manner whatever interfere with navigation therein, or imperil or jeopardize the free and safe navigation thereof, or tend in any manner thereto, provided, however, that nothing herein shall prevent any steamboat or steam vessel from dumping or casting into said river, at any point not between the city of New York and Stony Point, or between Tivoli and the State dam above Troy, any ashes which shall be accumulated upon such boat or vessel upon any trip.

Misde-
meanor.

Punish-
ment.

Jurisdic-
tion of
courts.

§ 2. Any person designedly doing any act forbidden by the provisions of this act shall be deemed guilty of a misdemeanor and liable to imprisonment for a term of not more than sixty days, or to a fine of not more than one hundred dollars, or both, in the discretion of the court, for each and every offense, and may be arrested by the authorities of either of the counties adjacent to the Hudson river at the location where such offense shall be committed. The courts in said counties, respectively, shall have concurrent power and jurisdiction to try such

offender or offenders, whether the offense be committed in the respective county or not. Any constable, policeman, sheriff, under or deputy sheriff, alderman of a city or trustee of a village, in either of said counties finding or seeing any person or persons offending against the provisions of this act, may and it is hereby declared to be his duty to arrest, without warrant, such person or persons so offending, and them to take before the nearest magistrate to be dealt with for such offense according to law.

Arrests.

§ 3. Any person offending against the provisions of this act shall also forfeit and pay a penalty of fifty dollars for each offense, to be recovered by suit or action at law in any court having jurisdiction. Such action may be brought in any county adjacent to said river in the name of any municipal corporation or in the name of any commissioner of highways or overseer of the poor of any town located within either of said counties, and the sum of money recovered in such action shall be for the supervisors of the county in which such action is tried for the benefit of the poor of said county.

Penalty.

When action may be brought, etc.

§ 4. This act shall not apply to the depositing of substances upon the building of wharves or piers upon, or the filling in of land under water, granted by the people of the State of New York, to any person or persons, provided a permanent and substantial bulk-head be first properly and securely built, inclosing the whole area of any such pier or wharf proposed to be so built or constructed; or the waters now dyked off by the river commissioners for improving the channel of the river. Nor shall the act apply to the sweeping, washing or cleaning from the decks of the canal boats, freight, passenger, or pleasure boats, or vessels, of such dirt only as collects naturally thereon from the use thereof by human beings using the same for transportation or pleasure, nor the hauling of fire from the furnace grate of any steamboat having state-rooms above the main deck, provided no coal or ashes shall be dumped from the ash-box of said steamboat; except as authorized in the first section of this act, nor to the setting of shad-poles in the shad season, nor to the use of any other devices or contrivances for the purpose of fishing in any season of the year, but no such setting of shad-poles or devices for fishing shall be allowed below the northerly line established by the harbor commissioners of the city of New York; nor shall this act apply to throwing overboard the refuse and waste matter which ordinarily accumulates in and about canal boats engaged in the transportation of goods and merchandise. But this act shall not be construed to authorize the throwing in said water of food, or any contrivance or device in which food may be kept, carried or preserved.

Deposit-
ing of
refuse in
river.When act
shall not
apply.

As amended by ch. 215, L. 1880.

§ 5. In case the mud scow, from which such mud, earth, soil, ashes, refuse, stone, rock or other solid substance, shall be cast, thrown, dumped or deposited as specified in section one, shall be towed by a steamboat or tug to the point at which such substance shall be thrown, dropped, cast, dumped or deposited, the master of such steamboat or tug, and the contractor using the same, shall be jointly and severally liable to a penalty of two hundred dollars for each and every such offense, recoverable in an action by any overseer of the poor or supervisor of any town located within any of said counties, in any court having jurisdiction of an action for penalties not exceeding two hundred dollars, for the supervisors of the county in which such action is tried for the benefit of the poor of said county.

Steam-
boats tow-
ing mud-
scows.

Penalty.

Jurisdic-
tion.

§ 6. Any person who shall accept any money or other valuable thing, by way of compromise, for a violation of any of the provisions of this act, without the approval of the court, shall be deemed guilty of a misdemeanor.

Comprom-
ising viola-
tion a mis-
demeanor.

CHAP. 384.

AN ACT respecting the powers of the Canal Board, and the adjustment of tolls.

PASSED May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Canal Board shall have power, from time to time, to fix the rates of toll on the Chemung, Crooked Lake, Chenango, Genesee Valley and Black River canals or either of them, at such rates as in its discretion will be likely to insure sufficient revenue to provide for the maintenance thereof. All moneys collected for tolls upon the said Chemung, the Crooked Lake, the Chenango, the Genesee Valley, and the Black River canals, together with all tolls collected upon the Erie and intervening canal from freight coming from said lateral canals respectively, provided such freight shall be cleared direct from the place of shipment to its ultimate destination, shall be credited to each of said canals as tolls received from them respectively. The Canal Board shall also have power, from time to time, to prescribe regulations for the collection of such tolls, and impose forfeitures of money for the breach thereof. And nothing herein shall be construed as consent given by the Legislature to the lowering of tolls, on any of the canals below the toll-sheet of eighteen hundred and fifty-two.

*Amtd, vol.
3, p. 181.*

§ 2. So much of the first section of act chapter one hundred and sixty of the laws of eighteen hundred and forty-one as is inconsistent with this act is hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 385.

AN ACT relating to the appointment and duties of engineers employed on the canals of this State.

PASSED May 28, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

*State
Engineer
to appoint
and re-
move divi-
sion and
other
engineers.
Grades of
officials.*

SECTION 1. Hereafter the division and resident engineers employed on the canals of the State, and all assistant-engineers and other persons employed to assist them in the performance of their duties, shall be appointed by the State Engineer and Surveyor. The State Engineer and Surveyor shall have power to remove any person appointed under this act. The recognized grades of officials appointed under this act shall be as follows: Division engineer, resident engineer, assistant engineer, leveler, rodman and chainman.

*Additional
engineers.*

§ 2. In case it may be deemed necessary by the State Engineer and Surveyor, but not otherwise, at any time to employ additional engineers or other persons to assist the division and resident engineers in the performance of their duties, the same may be done by him with the consent of the Canal Board, and all appointments to such employ-

ment shall be made in the manner prescribed in the first section of this act.

§ 3. It shall be the duty of the Canal Board to fix the salary or rate of compensation of every person appointed under this act. Compensation.

§ 4. The division engineer may draw his draft upon the Auditor of the Canal Department for any sum to be advanced to him to meet the expenses of the engineer department on his division of the canals; but every such draft shall be countersigned by the State Engineer and Surveyor, and if the bond of the division engineer shall have been duly filed in the office of the Auditor, and a receipt for such sum shall also be filed in the same office, it shall be the duty of the Auditor to pay such draft by drawing his warrant on the Treasurer of the State in favor of such division engineer, provided the advances to such division engineer, unaccounted for, shall at no time exceed the sum of five thousand dollars. No money shall hereafter be drawn from the State treasury to meet the expenses of the engineer department, other than those pertaining to the office of the State Engineer and Surveyor, in any other manner than is herein prescribed. Draft of division engineer.

§ 5. The division engineers of the several divisions of the canals shall, once in ninety days, beginning on the first day of each fiscal year, render accounts of their disbursements, with sworn vouchers for the same, to the State Engineer and Surveyor, who shall examine them, and if he finds them correct, he shall forward them, with his approval, to the Auditor, who shall audit them; and if any division engineer shall omit to render his account, or his account as rendered be not satisfactory, the Auditor shall notify the State Engineer and Surveyor and the Commissioners of the Canal Fund of the fact, and no further advances shall be made to such division engineer until he shall have satisfactorily explained to the State Engineer and Surveyor and the Commissioners of the Canal Fund, his omission to render proper accounts. It shall be the duty of the Auditor to prepare such blank forms, and to prescribe such rules as may be required to facilitate the rendering and insure the uniformity of the accounts directed to be made by this act. Moneys not to be otherwise drawn.

§ 6. In case of the absence or inability to act, of a division engineer, the resident engineer of his division may discharge all the duties of such division engineer. Division engineers to account.

§ 7. Every person appointed under this act shall take and subscribe the constitutional oath of office, which shall be filed in the office of the Secretary of State, and all accounts rendered and estimates made by the division and resident engineers upon which moneys may be drawn from the treasury of the State, must be sworn to by the said division and resident engineers and the assistant engineers, who may be employed to assist them in making the same, in such forms as may be prescribed by the Auditor. And every division and resident engineer appointed under this act, shall, before entering upon the duties of his office, file in the Canal Department his bond, duly executed, to the People of the State in such sum and with such surety for the faithful discharge of his duties, not exceeding in each case the sum of twenty thousand dollars, as the Auditor shall approve. No money shall be advanced to any division or resident engineer, nor shall any account of moneys disbursed by him be audited, until the provisions of this section shall have been fully complied with. Neglect to account.

§ 8. The expenses of the engineer department, other than those of the office of the State Engineer and Surveyor, shall be paid out of the Forms and rules.

Absence or inability of division engineer. Oath of office.

Accounts to be sworn to.

Bond.

Expense how paid.

funds appropriated by the Legislature for the repairs and maintenance of the canals.

Repeal.

§ 9. So much of all laws and parts of laws as conflict with the provisions of this act or authorize the appointment or employment of the officers or persons whose appointment or employment is herein provided for, are hereby repealed.

Names of engineers to be published.

§ 10. It shall be the duty of the Auditor to publish quarterly in the State paper the names of the engineers employed under the grade of resident engineer.

§ 11. This act shall take effect immediately.

Ante, vol. 1, p. 220; vol. 3, pp. 31, 154, 164, 173 and 202; vol. 6, p. 488.

CHAP. 388.

AN ACT to enlarge the powers of the Canal Board.

PASSED May 23, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Canal Board shall have power to investigate all matters and transactions, including those of the past, connected with or pertaining to the canals of this State.

§ 2. Whenever the Canal Board shall wish to examine any person as a witness upon any subject or matter connected with or pertaining to the affairs of the canals of this State, or shall wish to use, inspect or examine any book, account, voucher, document or writing in the possession of any person or under his control, relating in any manner to the affairs of the canals of this State, the chairman of the Canal Board, or, in the absence of the chairman, any member of the Canal Board shall issue a subpoena commanding such person to appear before the Canal Board at a time and place therein specified, to be examined as a witness, and such subpoena may contain a clause requiring such person to produce on such examination any book, paper, document, or writing in his possession or under his control relating in any manner to the affairs of the canals of this State. The examination of any witness by or before said Canal Board shall be open and public whenever such witnesses shall request that such examination shall be publicly conducted. Whenever any person shall be examined as a witness under the provisions of this chapter he may, if he desires, be attended by counsel, who may ask any pertinent question of such witness, and his answers thereto shall be reduced to writing by such Board as a part of the deposition of such witness. Whenever, in the opinion of the Canal Board, it shall be necessary for the public good to examine the witnesses separately, they may, on the examination of any witness,

exclude all other witnesses subpoenaed on the same matter during such examination.

§ 3. Any person may serve, and it shall be the duty of any sheriff, or any deputy sheriff or constable, to whom the subpoena may be delivered for service, to serve the same upon the person or persons named therein by showing the original and delivering a copy thereof; the official certificate of the sheriff, deputy sheriff, or constable or the affidavit of any other person of the time and place of the service of such subpoena shall be prima facie evidence of such service. The Auditor of the Canal Department shall pay out of any moneys appropriated for canal purposes, upon the order of the Canal Board, any expenses incurred in carrying out the provisions of this act. All evidence taken under the provisions of this act shall be filed in the office of the Attorney-General.

§ 4. Whenever any person duly subpoenaed to appear and give evidence, or to produce any book or paper as herein provided, shall neglect or refuse to appear, or to produce such book or paper according to the command of such subpoena, or to allow an inspection of the same, or shall refuse to testify before such Board, or to answer any question which a majority thereof shall decide to be proper and pertinent, he may be proceeded against as for contempt, and it shall be the duty of the chairman of the Board, or in the absence of such chairman, it shall be the duty of any member of such Board to report the facts by affidavit, verified by one of the members of said Board, to the county judge of the county where such examination was had, or to any judge of the Supreme Court in such judicial district, or of any superior court of any city in such county, who shall thereupon issue an attachment in the form usual in the court of which he shall be a judge, directed to the sheriff of the county where such witness may be, commanding the said sheriff to attach such person and forthwith bring him before the judge by whose order such attachment was issued. In case the misconduct alleged shall be the refusal to answer a question, it shall appear by said affidavit that such question was proper and pertinent; and in case the misconduct alleged is the refusal or neglect to produce any book or paper, said affidavit shall state upon the knowledge or the information and belief of the person making the same, that the production of such book or paper is material and necessary.

§ 5. The officer to whom such attachment shall be delivered shall execute the same by arresting and keeping the witness in his custody, and forthwith bringing him personally before the judge and detaining him in his custody until the order of the judge.

§ 6. When any witness arrested upon such attachment shall be brought before the judge who shall have issued the same, the judge shall cause interrogatories to be filed specifying the facts and circumstances alleged against the witness and requiring his answer thereto; to which the witness shall make written answers on oath within reasonable time as the judge shall allow. The judge may receive any affidavits or other proofs contradictory of the answers of the witness or in confirmation thereof; and upon the original affidavits, such answers and such subsequent proof shall determine whether the witness has been guilty of the misconduct alleged.

§ 7. If the judge shall adjudge the witness to have been guilty of the misconduct alleged, such judge shall thereupon imprison the witness until he shall perform the act or duty required of him and shall pay any expenses incurred by reason of his contempt; and the order and process of commitment shall specify the act or duty to be per-

formed and the amount of the expenses to be paid. In all cases of commitment under this act the person committed may, in case of inability to perform the act required, or to endure the imprisonment, be discharged from imprisonment, by the court or judge committing him, on such terms as may be just.

§ 8. Whenever an attachment shall have been issued according to the provisions of this act and shall not have been returned, the Board shall when it adjourns, adjourn to a time and place certain, which time shall not be more than ten days for any one adjournment, of which notice shall be given by the chairman to the judge before whom the said attachment shall be returnable, and in such case if the person against whom it issued shall be arrested he may give a bond to the People of the State of New York in a penalty to be fixed by the judge, not less than one thousand dollars with two sufficient sureties to be approved by the said judge with a condition that he will appear before such Board at the time and place to which it shall have been adjourned, and will then and there perform such act or duty as such judge shall direct to be named in such bond, and for the refusal to perform which he is in custody; said bond shall not be taken, however, until the witness shall first have paid all costs and expenses incurred by reason of his contempt.

§ 9. Such bond shall be filed in the office of the Comptroller of the State, and if default be made in the condition thereof it shall be the duty of the Attorney-General to sue for and collect the penalty of the same, and the money, when received, and all costs and expenses which shall be collected by virtue of the provisions of this act shall be paid to and retained by the Attorney-General and may be used by him and shall be accounted for by him in the same manner as costs collected in actions conducted by the Attorney-General.

§ 10. All orders, decisions and judgments made and given in proceedings under this act shall be filed in the office of the clerk of the county where such proceedings are had, and the clerk shall thereupon enter the proper orders and judgments, and such orders, decisions and judgments shall have the like force and effect as if made and given by the court at a regular term or session thereof.

§ 11. Any member of the Canal Board shall have power to administer oaths and affirmations to witnesses to be examined before such Board.

§ 12. All willful false swearing by any person sworn under the provisions of this act shall be deemed perjury, and shall be punishable as such.

§ 13. No person sworn under the provisions of this act shall be excused from testifying on the ground that his evidence would tend to criminate or degrade him; but the testimony of any witness examined under the provisions of this act, shall not be used against him on the trial of any indictment or criminal prosecution other than for perjury committed on such examination.

§ 14. This act shall take effect immediately.

CHAP. 410.

AN ACT relinquishing title and jurisdiction to the United States over certain land covered with water at West Point.

PASSED May 25, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right and title of the State of New York to the following described parcel of land covered with water adjacent and contiguous to the lands of the United States on the Hudson river at West Point and jurisdiction over the same, are hereby released and ceded to the United States under article one, section eight, paragraph sixteen of the Constitution, for the purpose of erecting and maintaining docks, wharves, boat-houses, batteries, and other needful military structures and appurtenances.

Said land covered with water is bounded and described as follows:

Beginning at a point at high water mark on the west shore of the Hudson river on south line of lands belonging to the United States and north east corner of lands belonging to Edward V. Kinsley, and running thence into the river from high water mark south seventy degrees east, one hundred and twenty-five feet; thence north thirty-one degrees east, thirty-one hundred and sixty-five feet, to a point fifty feet east of the most easterly point at high water mark of a point of land at base of "Battery Knox"; thence north twenty degrees east, thirteen hundred and fifty feet, to a point sixty feet east of high water mark at "Gee's Point"; thence north fifty-two degrees twenty minutes west, thirteen hundred and seventy-five feet; thence north seventy-five degrees thirty minutes west, four hundred and forty-five feet, to a point fifty feet north of the northwest corner of the "North dock"; thence north forty-seven degrees twenty-five minutes west, twenty-one hundred and seventy-five feet, to a point three hundred feet east of high water mark; thence north twenty-three degrees forty-five minutes west, fourteen hundred and twenty feet, to a point one hundred feet east of high water mark; thence north seven degrees fifty-five minutes west, seventeen hundred and eighteen feet, to a point fifty feet east of high water mark; thence north nine degrees five minutes west, eighteen hundred and three feet, to a point one hundred feet east of high water mark and in range with the north line of the United States lands; thence north eighty nine degrees twenty minutes west, one hundred feet, to a bolt set in a rock for the north east corner of said lands of the United States: Provided, that jurisdiction hereby ceded shall continue no longer than the United States shall own said land at West Point and the adjacent land covered with water hereby released; and provided further that all civil and such criminal process as may lawfully issue under authority of this State may be served or executed over said released lands.

§ 2. The Commissioners of the Land Office are hereby authorized and directed to issue a patent of said released lands to the United States.

§ 3. This act shall take effect immediately.

CHAP. 414.

Port of
New York.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and fifty-seven, entitled "An act to establish regulations for the port of New York."

PASSED May 25, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws 1857,
ch. 671
4 Edm. 65.

SECTION 1. Section seven of chapter six hundred and seventy-one of the laws of eighteen hundred and fifty-seven, entitled "An act to establish regulations for the port of New York," is hereby amended so as to read as follows :

§ 7. When any slip, basin or shoal in the port of New York shall be dredged or excavated, it shall be the duty of the person or persons causing the same to be dredged, to cause the sand, mud or other material so dredged, to be towed to sea to a point at least three miles outside of Sandy Hook, or deposited at some place above high water mark, or to be deposited behind a bulkhead for filling, and any person willfully violating the provisions of this section shall forfeit and pay to the said commissioners the sum of five dollars for every cubic yard removed, not so disposed of, one-half of which shall be retained by the commissioners.

§ 2. This act shall take effect immediately.

CHAP. 415.

Water-
works
companies.
9 Edm. 715.

AN ACT supplementary to chapter seven hundred and thirty-seven, laws of eighteen hundred and seventy-three, entitled "Act in relation to the creation and formation of water-works companies in towns and villages of the State of New York."

PASSED May 25, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Acquiring
land.

SECTION 1. Whenever any company, formed under the provisions of the act entitled "An act in relation to the creation and formation of water-works companies in towns and villages of this State," passed June twelfth, eighteen hundred and seventy-three, shall have fully completed its organization as provided by said act, and shall have made a contract with any town or village, as provided by section five of said act, to supply such town or village with pure and wholesome water, the said company and its agents and employees shall be authorized to enter upon any land or water for the purpose of making surveys, and to agree with the owner of the property, which may be required for the purposes of the act to which this is a supplement, which may be required for the purposes of said act, as to the amount of compensation to be paid such owner, subject to a revision by the court, upon application by any three taxable inhabitants of the town or village.

§ 2. Before entering upon, taking or using any land for the purposes of the above recited act, the said company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of the purposes of the said act, by and on which the land of each owner or occupant shall be designated, which map shall be signed by the president of the said company and its secretary, and be filed in the office of the county clerk of the county in which the said lands are situated; and the said company, by any of their officers, agents and servants, may enter upon any lands for the purpose of making such survey or map.

§ 3. In all cases where the said company shall be unable to agree with the persons owning or having an interest in any lands, tenements and hereditaments required for the purposes of this act, the Supreme Court, at any special term thereof held in the judicial district in which the said lands may be situated, shall on application of the said company, after ten days' written notice, personally served on such persons, or where such notice cannot be personally served within this State, or such persons shall be infants or otherwise incapacitated from receiving personal notice, then by service in such manner as the said court shall direct, appoint three disinterested citizens of the county in which the said lands are situated, who shall be freeholders, as commissioners, to determine the damage sustained by each of such persons by reason of the taking or use of his or her lands, tenements or hereditaments for the purposes of the above recited act. Such commissioners shall take the oath required by the Constitution, of public officers, and shall personally examine each parcel of land or other property proposed to be taken or used, and shall estimate and report to said court, at any term thereof held in the said judicial district, the several sums which they shall decide to be a just compensation to such owners or persons interested, respectively, for the appropriation to the purposes of this act of any property rights or privileges that may be so required, or for the title and use of any such property. Such commissioners may examine witnesses upon hearings before them, and shall have power to administer oaths to such witnesses, and all the evidence they shall take shall accompany their report to the court. Ten days' notice, in writing, of the time and place of the presentation of the said report shall be given to the parties interested. On the presentation of such report the said court may confirm or amend the same, or appoint new commissioners, who shall proceed in like manner with the first commissioners, and whose report, subject to amendment as aforesaid, shall be final, and shall be confirmed by said court. Such commissioners shall receive from the said company the sum of three dollars per day each for each day employed by them in performance of their duties as above provided, together with the amount which the said commissioners shall certify, on their oaths, as correct, in their said report, for incidental expenses connected with their work, including the preparation of such report.

§ 4. Whenever any report of such commissioners shall have been confirmed by the said Supreme Court, the said company may deposit, as said court may direct, or pay to said owner or to such person or persons, as the court may direct, the sum mentioned in the said report in full compensation for the property so required and thereupon the said company shall become seized in fee of the property so acquired, and the said company shall be discharged from all claim by reason of any such appropriation or use

Taking
land by
eminent
domain.

When
seized of
property.

§ 5. All companies organized under this act or the act to which this is supplementary shall be subject to the provisions of section twenty-two of chapter one hundred and eighty* of the laws of eighteen hundred and seventy-five.

§ 6. This act shall take effect immediately.

CHAP. 416.

AN ACT to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes."

PASSED May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acts, vol. 8, p. 612.

SECTION 1. The counties of Ulster and Rensselaer are hereby exempted from the operation of chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act to require the commissioners of highways to act as inspectors of plank-roads and turnpikes."

§ 2. This act shall take effect immediately.

The above act, "so far as the same relates to Ulster county," was repealed by ch. 176, L. 1878, and the act of 1873 made "applicable to said county of Ulster."

CHAP. 426.

AN ACT to enable a wife to be a witness in cases of criminal conversation.

PASSED May 26, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In an action for criminal conversation the wife of the plaintiff may be a witness for the defendant, and shall be competent to give evidence the same as any other witness on behalf of such defendant, except that she shall not be permitted to disclose any confidential communication had or made between herself and her husband.

§ 2. This act shall take effect immediately.

Repealed by chap. 245, L. 1880. See Co. Civ. Proc., § 831.

* So in the original. Ch. 181, L. 1875, is intended.

CHAP. 435.

AN ACT to amend chapter two hundred and ten of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of companies to construct plank-roads and of companies to construct turnpike roads," passed May seven, eighteen hundred and forty-seven.

Plank-road and Turnpike Companies.

PASSED June 2, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No more toll per mile shall be taken, as provided by the terms of chapter two hundred and ten of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of companies to construct plank-roads and of companies to construct turnpike roads," passed May seven, eighteen hundred and forty-seven, than for the number of miles which shall be traveled by the person or persons using such roads to the end that where diverging roads strike any plank-road or turnpike road, at or near any toll-gate, the toll charged for using such plank-road or turnpike road shall commence from the point of such divergence, and the toll charged shall be only for the distance traveled on such plank-road or turnpike road, provided, however, that fractions of cents may be made units of cents in favor of said plank or turnpike road; provided, that the board of supervisors of any county in which any such plank-road or turnpike may be situate, and for so much thereof as shall lie within said county, shall, by a majority vote, pass a resolution, declaring it to be proper that such discrimination shall be made.

Amount of toll to be charged.
§ Edm. 549.

§ 2. This act shall take effect immediately.

CHAP. 442.

AN ACT relative to the dissolution of corporations.

PASSED June 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the trustees of a corporation, now existing or which may hereafter be formed, created under or pursuant to the general statutes of this State authorizing the formation of corporations for manufacturing, mining, mechanical or chemical purposes, shall consist of an even number of persons, and they shall be equally divided as to the management of the affairs of said corporation, and the whole stock of such corporation, at the time of such disagreement, shall be owned by the persons being the trustees, or so divided that one-half thereof be owned or controlled by persons favoring the course of half the number of trustees, and the other half thereof by persons favoring the course of the other half of the number of trustees, the Supreme Court is hereby authorized, in its discretion, upon the application of the trustees, or any or either of them, either upon petition or by action, to dissolve said corporation and to take charge of and wind up its affairs, and for that purpose to appoint one or more receivers thereof, with the usual powers and authority of receivers appointed upon the voluntary dissolution of corporations; and after paying the expenses of such receivership and the debts and liabilities of the corporation, the residue of the assets of said corporation shall be distributed among the stockholders in proportion to their several interests therein.

When trustees are equally divided as to management, Supreme Court may dissolve.
8 Hun, 508.

§ 2. This act shall take effect immediately.

Repealed by chap. 245, L. 1880. See Co. Civ. Proc., § 2420.

CHAP. 444.

AN ACT to establish a State Board of Audit, and to define its powers and duties.

PASSED June 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

How con-
stituted.

SECTION 1. A State Board of Audit is hereby constituted and established which shall be composed of the Comptroller, the Secretary of State and the State Treasurer.

Duty of
board.

§ 2. It shall be the duty of said Board of Audit, and it shall have power to hear all private claims and accounts against the State (except such as are now heard by the Canal Appraisers according to law), to administer oaths and take testimony in relation thereto, to determine on the justice and amount thereof, and to allow such sums as it shall consider should equitably be paid by the State to the claimants. Its decisions shall be filed in the office of the Secretary of State. It shall be the duty of the Attorney General to attend every hearing before said Board of Audit, for the purpose of protecting the interests of the State, and he shall have authority to subpoena and examine witnesses on behalf of the State in reference to such claims or accounts.

Rules.

§ 3. Said Board shall establish rules as to the times of its sessions, which shall be at least as often as once in each month, and as to the forms and methods of procedure before it. Two members of said Board shall constitute a quorum. The concurrent vote of two of its members shall be necessary to, and shall constitute a decision.

Quorum.

Report.

§ 4 The Secretary of State at the opening of each session of the Legislature, and at other times when so requested by the Legislature, shall send a report thereto, containing a full list of all claims and accounts acted upon by said board, with the evidence taken and their action on each thereof, since the last preceding report.

§ 5. This act shall take effect immediately.

8 Abb. N. C. 128.

CHAP. 446.

Railroads. **AN ACT** to amend chapter four hundred and thirty of the laws of eighteen hundred and seventy-four, entitled "An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases."

PASSED June 2, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 430,
Laws 1874,
§ Edm. 912.

SECTION 1. The first section of chapter four hundred and thirty of laws of eighteen hundred and seventy-four, entitled "An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases," is hereby amended so as to read as follows:

§ 1. In case the railroad and property connected therewith, and the rights, privileges and franchises of any corporation, except a street railroad company, created under the general railroad law of this State, or existing under any special or general act of the Legislature thereof, shall be sold under or pursuant to the judgment or decree of any court of competent jurisdiction made or given to execute the provisions or enforce the lien of any deed or deeds of trust, or mortgage theretofore executed by any such company, the purchasers, of such railroad property and franchises, and such persons as they may associate with themselves, their grantees or assigns or a majority of them, may become a body politic and corporate, and as such may take, hold and possess the title and property included in said sale, and shall have all the franchises, rights, powers, privileges and immunities which were possessed before such sale by the corporation whose property shall have been sold as aforesaid, by and upon filing in the office of the Secretary of State, a certificate, duly executed under their hands and seals and acknowledged before an officer authorized to take the acknowledgment of deeds, in which certificate the said persons shall describe by name and reference to the act or acts of the Legislature of this State under which it was organized, the corporation whose property and franchises they shall have acquired as aforesaid, and also the court by authority of which such sale shall have been made, giving the date of the judgment or decree thereof, authorizing or directing the same, together with a brief description of the property sold, and shall also set forth the following particulars.

Purchasers, etc., to become a body politic and corporate by making and filing certificate.

Contents of certificate.

1. The name of the new corporation intended to be formed by the filing of such certificate.

Name of corporation.

2. The maximum amount of its capital stock and the number of shares into which the same is to be divided, specifying how much of the same shall be common, and how much preferred stock, and the classes thereof, and the rights pertaining to each class.

Capital stock.

3. The number of directors by whom the affairs of the said new corporation are to be managed, and the names and residences of the persons selected to act as directors for the first year after its organization.

Number of directors.

4. Any plan or agreement which may have been entered into pursuant to the second section hereof.

Plans and agreements.

And upon the due execution of such certificate, and the filing of the same in the office of the Secretary of State, the persons executing such certificate, and who shall have acquired the title to the property and franchises sold as aforesaid, their associates, successors and assigns, shall become and be a body politic and corporate, by the name specified in such certificate, and shall become and be vested with, and entitled to exercise and enjoy, all the rights, privileges and franchises, which at the time of such sale belonged to, or were vested in the corporation which last owned the property so sold, or its receiver, and shall be subject to all the provisions, duties and liabilities imposed by the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and of the acts amendatory thereof, except so far as said provisions, duties and liabilities may be inconsistent herewith, and with the last named rights, privileges or franchises; and a copy of the said certificate, certified by the Secretary of State or his deputy, shall be presumptive evidence of the due formation of the new corporation therein mentioned, provided always that a majority of said persons shall be citizens and residents of this State. In the certificate so to be filed shall be inserted the whole of the plan or agreement in the next sec-

Effect of execution and filing of certificate.

Copy of certificate evidence.

Effect of
plan or
agree-
ment.

tion referred to. And such plan, agreement and articles may regulate voting by, and on the part of, the holders of the preferred and common stock of said company, and may also allow, provide for and regulate voting at, and in said meetings, and also for directors, by and on the part of the holders and owners of any or all of the bonds of the company foreclosed, or of the bonds, issued or to be issued, and payable by the new company, pursuant to any such plan, agreement or articles; such right of voting by bondholders to be in such manner, for such period or periods, and upon such conditions as said articles may authorize and declare; but such articles shall contain suitable provisions for such bondholders voting by proxy. Said articles shall not be inconsistent with the Constitution or laws of this State and shall be binding upon the company until changed as therein provided for, or until otherwise provided by law.

When new
corpora-
tion may
issue
bonds and
stock.

§ 2. The second section of the said act is hereby amended so as to read as follows:

When may
comprom-
ise, etc.,
debt of
former
company.

Prefer-
ences in
dividends

§ 2. In case the persons organizing or whose duty it may be to organize the new corporation to be formed as provided in the first section of this act, shall have acquired title to the railroad property and franchises which may have been sold as in said section mentioned, pursuant to any plan or agreement for or in anticipation of the readjustment of the respective interests therein of the mortgage creditors and stockholders of the company owning, or which last owned, such property and franchises at the time of any such sale, and for the representation of such interests of creditors and stockholders in the bonds or stock of the new corporation to be formed, as provided for in said section, the said new corporation shall be authorized and shall have the power to issue its bonds and stock in conformity with the provisions of such plan or agreement; and the said new corporation may, at any time within six months after its organization, compromise, settle or assume the payment of any debt, claim or liability of the former company, upon such terms as may be lawfully approved by a majority of the agents or trustees intrusted with the carrying out of the plan or agreement of reorganization aforesaid; and for the purposes of such plans and of such settlements, the said new corporation may and shall be authorized to establish preferences in respect to the payment of dividends in favor of any portion of its said capital stock, and to divide its said stock into classes; provided, nevertheless, that nothing herein contained shall be held to authorize the issue of capital stock by the said new company to an aggregate amount exceeding the maximum amount of such stock mentioned in the certificate of incorporation.

Sale of
property.

1. And it shall be lawful for the Supreme Court to direct a sale of the whole or the property, rights and franchises covered by the mortgage or mortgages, or deeds of trust foreclosed at any one time and place to be named in the judgment or order, either in the case of the non-payment of interest only, or of both the principal and interest due and unpaid and secured by any mortgage or mortgages or deeds aforesaid.

Sale of
formation
of new
company
not to
interfere
with
receiver.
Suits
against
receiver.

2. Neither the said sale nor the formation of such corporation shall interfere with the authority or possession of any receiver of the property and franchises aforesaid, but he shall remain liable to be removed or discharged at such time as the court may deem proper.

3. No suit or proceeding shall be commenced against said receiver (unless founded on willful misconduct or fraud in his trust), except such as shall be commenced before the expiration of sixty days from

the time of the discharge of such receiver; but it is further provided, that after the expiration of said sixty days, the corporation that shall own or operate said railroad, shall be liable in any action that may be commenced against such company, and founded on any act or omission of such receiver (for which he may not as aforesaid be sued), and to the same extent as said receiver, but for this act, would be or remain liable, or to the same extent that such corporation would be, had it done or omitted the acts complained of against such receiver.

§ 3. This act shall take effect immediately.

CONCURRENT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY.

CONCURRENT RESOLUTIONS proposing an amendment to section three of article five of the Constitution.

WHEREAS, At the annual session of the Legislature for the year eighteen hundred and seventy-five, a proposed amendment of the Constitution was agreed to by the Senate and Assembly, viz. :

Resolved (if the Assembly concur), That section three of article five of the Constitution be amended so as to read as follows:

§ 3. A Superintendent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulation for the navigation or use of the canals. He may be suspended or removed from office by the Governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause of such removal, and shall report such removal, and the cause thereof, to the Legislature at its next session. The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the

remainder of the term for which he was appointed, by the Superintendent of Public Works ; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the Department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him. The office of Canal Commissioner is abolished from and after the appointment and qualification of the Superintendent of Public Works, until which time the Canal Commissioners shall continue to discharge their duties as now provided by law. The Superintendent of Public Works shall perform all the duties of the Canal Commissioners and Board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature. The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works ; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the Senate ; and,

WHEREAS, Said proposed amendment was agreed to by a majority of all the members elected to each of the two houses of the said Legislature, entered in their journals with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next election of Senators ; and,

WHEREAS, Such general election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the Constitution ; therefore,

Resolved (if the Assembly concur), that the two houses composing the present Legislature do agree to the said proposed amendment.

STATE OF NEW YORK. }
In Senate, February 1, 1876. }

The foregoing resolution was duly passed, a majority of all the Senators elected voting in favor thereof.

By order of the Senate.

HENRY A. GLIDDEN, *Clerk*.

STATE OF NEW YORK. }
In Assembly, February 4, 1876. }

The foregoing resolution was duly passed, a majority of all the members elected to the Assembly voting in favor thereof.

By order of the Assembly.

EDW'D M. JOHNSON, *Clerk*.

GENERAL STATUTES OF NEW YORK.

WHEREAS, At the annual session of the Legislature for the year eighteen hundred and seventy-five, a proposed amendment to the Constitution was agreed to by concurrent vote of the Senate and Assembly, viz. :

CONCURRENT RESOLUTION proposing an amendment to section four of article five of the Constitution.

Resolved (if the Senate concur), That section four, article five of the Constitution, be amended so as to read as follows :

§ 4. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years unless sooner removed; he shall give security, in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of State Prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerk of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which have heretofore been had and performed by the Inspectors of State Prisons; and from and after the time when such Superintendent of State Prisons shall have been appointed and qualified, the office of Inspector of State Prisons shall be and hereby is abolished. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense; and,

WHEREAS, The said proposed amendment was agreed to by a majority of all the members elected to each of the two houses of the said Legislature, entered in their respective journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators; and,

WHEREAS, Such general election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the Constitution; therefore,

Resolved (if the Senate concur), That the said amendment be agreed to by the two houses comprising the present Legislature.

STATE OF NEW YORK,
In Assembly, March 23, 1876. }
The foregoing resolutions were duly passed.
By order.
EDW'D M. JOHNSON, Clerk.

STATE OF NEW YORK, }
In Senate, March 23, 1876. }
The foregoing resolutions were duly passed.
By order.
HENRY A. GLIDDEN, Clerk.

CONCURRENT RESOLUTION proposing an amendment to section eleven of article eight of the Constitution, prohibiting the loan or use of public money for private purposes, and restricting the indebtedness of counties, cities, towns and villages.

Resolved (if the Assembly concur), That section eleven of article eight of the Constitution be amended so as to read as follows:

§ 11. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness, except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted

for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed five per cent. of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for State or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city, whose present indebtedness exceeds five per cent. of the assessed valuation of its real estate, subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit, except such indebtedness as may be provided for by the tax levy for the then current year, and except that the Legislature, if it is deemed necessary for the interest of said city or county, may authorize it to contract further indebtedness to an amount not exceeding for any one year one dollar per capita for each of its population as ascertained by the last State census, and for a period not exceeding five years in any case. No law shall hereafter be passed authorizing any indebtedness of or the issuing of any bonds or evidence of debt by any county or city, unless such law shall provide that such indebtedness, bonds or evidence of debts, shall be made payable in equal amounts in each year, during a period not in any case to exceed twenty years from the contracting of such indebtedness; and such law shall provide that such city or county shall, in each year, levy and raise by taxation a sum sufficient to pay the interest on such debt and the amount thereof coming due in each year, which said provisions as to time of payment and the taxation therefor shall be irrevocable. The money raised for the purpose of such interest and principal shall be applied for that purpose, and none other, until the whole of such indebtedness is paid.

Resolved (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK, }
In Senate, April 13, 1876. }

The foregoing resolution was duly passed,
a majority of all the Senators elected voting
in favor thereof.

By order.

HENRY A. GLIDDEN, *Clerk.*

STATE OF NEW YORK, }
In Assembly, April 27, 1876. }

The foregoing resolution was duly passed,
a majority of all the members elected to
the Assembly voting in favor thereof.

By order.

EDWARD M. JOHNSON, *Clerk.*

CONCURRENT RESOLUTION proposing an amendment to the Constitution in relation to the schools.

Resolved (if the Assembly concur), That article nine of the Constitution be amended by the addition of the following sections:

§ 2. Free common schools shall be maintained throughout the State forever. The Legislature shall provide for the instruction in the branches of elementary education in such schools of all persons in the State between the ages of five and twenty-one years, for the period of at least twenty-eight weeks in each year.

§ 3. Neither the money, property or credit of the State, nor of any county, city, town, village or school districts, shall be given, loaned or leased, or be otherwise applied, to the support or in aid of any school or instruction under the control or in charge of any church, sect, denomination or religious society; nor to or in aid of any school in which instruction is given peculiar to any church, creed, sect or denomination, or to or in aid of any such instruction; nor to or in aid of any school or instruction not only under the control and supervision and in charge of the public school authorities.

This section shall not prohibit the Legislature from making such provision for the education of the blind, the deaf and dumb, and juvenile delinquents as it may deem proper, except in institutions in which instruction is given peculiar to any church, creed, sect, denomination or religious society; nor shall it

GENERAL STATUTES OF NEW YORK.

apply to or affect the Cornell University endowment fund, hitherto pledged and appropriated.

Resolved (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity with section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK,
In Senate, May 8, 1876.

The foregoing resolution was duly passed,
a majority of all the Senators elected voting
in favor thereof.

By order.

HENRY A. GLIDDEN, *Clerk*.

STATE OF NEW YORK,
In Assembly, May 8, 1876.

The foregoing resolution was duly passed,
a majority of all the members elected to
the Assembly voting in favor thereof.

By order.

EDWD M. JOHNSON, *Clerk*.

TITLES OF ACTS

PASSED AT THE ONE HUNDRETH SESSION,

1877.

[The beginning of the titles of the acts included in this compilation are, in this list, printed in heavier type.]

- CHAP. 1. An act to legalize the assessment roll of the town of Kingsbury, in the county of Washington, for the year eighteen hundred and seventy-six, and the tax levied thereon. Passed January 11, 1877; three-fifths being present.
- CHAP. 2. An act to extend the time for the collection of taxes in the village of Edgewater, and for advertising the sale of lands for unpaid taxes in said village. Passed January 17, 1877; three-fifths being present.
- CHAP. 3. An act to extend the time for the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens. Passed January 19, 1877; three-fifths being present.
- CHAP. 4. An act to amend chapter five hundred and fifty of the laws of eighteen hundred and seventy-five, entitled "An act authorizing the city of Schenectady to raise money for school purposes." Passed January 25, 1877; three-fifths being present.
- CHAP. 5. An act to legalize the official acts of the assessors of the village of Wellsville, Allegany county, and to extend the time for the collection of taxes therein. Passed January 25, 1877; three-fifths being present.
- CHAP. 6. An act to amend chapter three hundred and ninety-nine of the laws of eighteen hundred and seventy-one, entitled "An act to authorize the village of Corning, Steuben county, to borrow money to construct water-works for said village." Passed January 31, 1877; three-fifths being present.
- CHAP. 7. An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county, that will mature during the year eighteen hundred and seventy-seven. Passed January 31, 1877; three-fifths being present.
- CHAP. 8. An act to amend the charter of the Young Men's Association of the city of Buffalo. Passed February 1, 1877.
- CHAP. 9. An act to authorize the extension of the time for the collection of taxes in the several towns of the State. Passed February 2, 1877; three-fifths being present.
- CHAP. 10. An act to amend chapter six hundred and thirteen of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the formation of corporations for the safe-keeping and guaranteeing of personal property." Passed February 5, 1877.
- CHAP. 11. An act to extend the powers of county judges while in counties other than their own, for the purpose of holding courts therein. Passed February 6, 1877.
- CHAP. 12. An act to provide for the purchase of a steam fire engine and fire apparatus in the village of Brockport, and for the more effectual protection of said village against fire. Passed February 8, 1877; three-fifths being present.
- CHAP. 13. An act to provide for the payment of the interest due on certain bonds of the county of Greene, known as the bonds to refund taxes to banks, by issuing new bonds. Passed February 8, 1877; three-fifths being present.

- CHAP. 14.** An act to amend the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof, so far as relates to the village of Corning, in the county of Steuben. Passed February 8, 1877; three-fifths being present.
- CHAP. 15.** An act to amend section seventy-three of chapter three hundred and seventy of the laws of eighteen hundred and seventy-five, entitled "An act to amend and consolidate the several acts relating to the city of Elmira." Passed February 9, 1877; three-fifths being present.
- CHAP. 16.** An act to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages." Passed February 13, 1877; three-fifths being present.
- CHAP. 17.** An act making an appropriation for the expenses and compensation of certain commissioners and their employes appointed under chapter three hundred and eighty-two of the laws of eighteen hundred and seventy-six. Passed February 14, 1877; three-fifths being present.
- CHAP. 18.** An act to enable the town of Duanesburgh, Schenectady county, to issue bonds to pay debts incurred under the provisions of chapter sixty-four, laws of eighteen hundred and fifty-six, and chapter four hundred and one, laws of eighteen hundred and fifty-seven. Passed February 14, 1877; three-fifths being present.
- CHAP. 19.** An act to amend the charter of the city of Syracuse. Passed February 16, 1877; three-fifths being present.
- CHAP. 20.** An act authorizing the trustees of the First Methodist church and the Young's Society of Jameville, Onondaga county, to convey certain real estate. Passed February 16, 1877.
- CHAP. 21.** An act to establish the salaries of the county judge and surrogate of Washington county. Passed February 16, 1877; three-fifths being present.
- CHAP. 22.** An act to amend chapter three hundred and eighty-nine of the laws of eighteen hundred and fifty-four, entitled "An act to amend and consolidate the laws in relation to Amsterdam village, in Montgomery county." Passed February 17, 1877; three-fifths being present.
- CHAP. 23.** An act to repeal section one of chapter fourteen of the laws of eighteen hundred and seventy-seven, entitled "An act to provide for the incorporation of villages, passed December seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof so far as relates to the village of Corning, in the county of Steuben." Passed February 17, 1877; three-fifths being present.
- CHAP. 24.** An act in relation to the Superintendent of State Prisons. Passed February 17, 1877; three-fifths being present.
- CHAP. 25.** An act to authorize the Utica Mechanics' Association to borrow money to pay its floating debt, and to issue bonds and execute a mortgage to secure the payment of the same. Passed February 20, 1877; three-fifths being present.
- CHAP. 26.** An act to authorize the city of Newburgh, to borrow moneys and issue bonds therefor in payment of the enlargement and improvement of the water-works of said city. Passed February 21, 1877; three-fifths being present.
- CHAP. 27.** An act establishing the salary of the deputy comptroller and making appropriations for certain expenses of the government, and supplying deficiencies in former appropriations, for the fiscal year ending September thirtieth, eighteen hundred and seventy-seven. Passed February 26, 1877; three-fifths being present.
- CHAP. 28.** An act to amend section twenty-nine of article third, chapter sixth, title sixth of part first of the revised statutes relating to the compensation of electors of president and vice-president of the United States. Passed March 1, 1877; three-fifths being present.
- CHAP. 29.** An act to amend chapter two hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act to establish free schools in school district number four, in the town of Eastchester, Westchester county,' passed June eighth, eighteen hundred and fifty-three." Passed March 3, 1877; three-fifths being present.
- CHAP. 30.** An act to authorize the county of Kings to raise moneys to continue relief supplies to the outdoor poor. Passed March 3, 1877; three-fifths being present.

- CHAP. 81.** An act to amend chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations." Passed March 3, 1877; three-fifths being present.
- CHAP. 32.** An act to amend chapter one hundred and seventy-one of the laws of eighteen hundred and fifty-seven, entitled "An act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango," passed March twenty-third, eighteen hundred and fifty-seven, and other acts amendatory thereof. Passed March 3, 1877; three-fifths being present.
- CHAP. 83.** An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction." Passed March 3, 1877; three-fifths being present.
- CHAP. 34.** An act further to amend chapter four hundred and sixty-three, of the laws of eighteen hundred and sixty, entitled "An act to revise the charter of the city of Oswego." Passed March 5, 1877, three-fifths being present.
- CHAP. 85.** An act to amend chapter seven hundred and sixty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the constitution." Passed March 6, 1877; three-fifths being present.
- CHAP. 36.** An act to amend chapter one hundred and four of the laws of eighteen hundred and sixty-four, entitled an act to amend an act entitled "An act in relation to the Syracuse city water-works company, passed April fifth, eighteen hundred and forty-nine." Passed March 6, 1877.
- CHAP. 37.** An act to amend section one of chapter six hundred and thirty-eight of the laws of eighteen hundred and sixty-seven, entitled "An act authorizing the New York society for the relief of the ruptured and crippled to hold real and personal estate." Passed March 6, 1877; three-fifths being present.
- CHAP. 38.** An act to authorize the board of supervisors of the county of Columbia to provide for the payment of the principal of a portion of the bounty debt of said county by issuing new bonds. Passed March 9, 1877; three-fifths being present.
- CHAP. 39.** An act to release the right, title and interest of the people of the State of New York in and to certain real estate, of which Thomas Dalton died seized, to William E. Duncan. Passed March 9, 1877; by a two-third vote.
- CHAP. 40.** An act to release to certain charitable institutions the interest of the people of the State of New York, in certain personal property formerly of James Kelly of the city of New York, deceased. Passed March 9, 1877; by a two-third vote.
- CHAP. 41.** An act to repeal chapter one hundred and sixteen of the laws of eighteen hundred and thirty-six, entitled "An act to incorporate the Butternuts and Sherburne turnpike company," and to continue the turnpike therein authorized, and declaring it to be a public highway. Passed March 9, 1877.
- CHAP. 42.** An act to amend chapter six hundred and six of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Cambridge," passed April sixteenth, eighteen hundred and sixty-six, and the several acts amendatory thereof. Passed March 14, 1877; three-fifths being present.
- CHAP. 43.** An act in relation to the founding asylum of the sisters of charity in the city of New York. Passed March 15, 1877; three-fifths being present.
- CHAP. 44.** An act to authorize the extension of the time for the collection of taxes in the several towns of the State. Passed March 15, 1877; three-fifths being present.
- CHAP. 45.** An act to enable the commissioners of the alma-house of the city of Kingston to borrow a sum of money not exceeding ten thousand dollars, and to provide for the payment thereof. Passed March 15, 1877; three-fifths being present.
- CHAP. 46.** An act to amend chapter one hundred and twenty-five of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the establishment of a system of graded schools in the village of Ithaca." Passed March 16, 1877; three-fifths being present.
- CHAP. 47.** An act to legalize the action of the village of Whitehall. Passed March 16, 1877; three-fifths being present.
- CHAP. 48.** An act making an appropriation for the payment of a portion of the general fund state debt. Passed March 16, 1877; three-fifths being present.

- CHAP. 49. An act to extend the corporate existence and charter of the Glen Cove Mutual Insurance Company. Passed March 20, 1877.
- CHAP. 50. An act to amend chapter one hundred and thirteen of the laws of eighteen hundred and fifty-nine, entitled "An act in relation to the common schools in the village of Elmira." Passed March 20, 1877; three-fifths being present.
- CHAP. 51. An act to provide for the completion of the court-house in the third judicial district in the city of New York. Passed March 21, 1877; three-fifths being present.
- CHAP. 52. An act to amend an act entitled "An act to amend and consolidate the several acts relating to the city of Elmira," passed May seventeenth, eighteen hundred and seventy-five. Passed March 22, 1877; three-fifths being present.
- CHAP. 53. An act relative to lands in the city of New York, devised by Charlotte E. Jenkins, late of said city, deceased, authorizing the mortgaging or sale thereof and the disposition of the proceeds thereof in accordance with the provisions of the will of said deceased. Passed March 22, 1877.
- CHAP. 54. An act in regard to the powers of the associate rector of St. Luke's Memorial church, in the city of Utica, county of Oneida, and state of New York. Passed March 22, 1877.
- CHAP. 55. An act to authorize a tax of one-third of a mill per dollar of valuation to provide for a deficiency in the sinking fund, under section three of article seven of the constitution. Passed March 22, 1877; three-fifths being present.
- CHAP. 56. An act to incorporate the Watertown Fire Insurance Company, organized under the general act to incorporate fire insurance companies, December seventh, eighteen hundred and sixty-seven. Passed March 22, 1877.
- CHAP. 57. An act to change the name of the Rochester and Pine Creek Railroad Company to that of the Silver Lake Railway Company. Passed March 22, 1877; three-fifths being present.
- CHAP. 58. An act to amend chapter two hundred and ten of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate Washington fire engine company number one, in the town of Eastchester, county of Westchester," passed March thirty, eighteen hundred and sixty-seven. Passed March 22, 1877.
- CHAP. 59. An act to provide for the superintendent of the poor of the county of Otsego, to be the keeper of the poor-house of said county. Passed March 22 1877; three-fifths being present.
- CHAP. 60. An act in relation to running ferry boats by the Union Ferry Company of Brooklyn across the East river. Passed March 23, 1877.
- CHAP. 61. An act to authorize the payment of certain moneys out of the state treasury to the heir-at-law of James Green, deceased. Passed March 23, 1877; by a two-third vote.
- CHAP. 62. An act to amend chapter three hundred and forty-one of the laws of eighteen hundred and seventy-two, entitled "An act in reference to the Young Men's Association for mutual improvement in the city of Albany." Passed March 23, 1877.
- CHAP. 63. An act to amend the charter of the Lafayette Fire Insurance Company of Brooklyn. Passed March 27, 1877.
- CHAP. 64. An act to amend section seven of chapter six hundred and thirty-three of the laws of eighteen hundred and sixty-six, entitled "An act in relation to the benevolent fund of the late volunteer fire department in the city of New York," passed April seventeenth, eighteen hundred and sixty-six, as amended by chapter nine hundred and sixty-two of the laws of eighteen hundred and sixty-seven, and as further amended by chapter two hundred and ninety-seven of the laws of eighteen hundred and seventy. Passed March 27, 1877; three-fifths being present.
- CHAP. 65. An act to regulate the execution and transfer of negotiable instruments given for patent rights. Passed March 28, 1877.
- CHAP. 66. An act to provide for the completion of the census or enumeration of the inhabitants of this State. Passed March 28, 1877; three-fifths being present.
- CHAP. 67. An act to amend chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act, passed May third, eighteen hundred and seventy, entitled 'An act to amend an act to incorporate the city of Troy, passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy.'" Passed March 28, 1877; three-fifths being present.

- CHAP. 68. An act to amend chapter twelve of the laws of eighteen hundred and forty-eight, entitled "An act in relation to the city of Troy, as amended by chapter two hundred and ten of the laws of eighteen hundred and forty-nine, entitled 'An act to amend an act entitled 'An act in relation to the city of Troy,' passed January twenty-eight, eighteen hundred and forty-eight.'" Passed March 28, 1877; three-fifths being present.
- CHAP. 69. An act to amend chapter four hundred and seventy-five of the laws of eighteen hundred and sixty-seven, entitled "An act enabling national banking associations to become State banking associations, and to amend the banking laws of this State." Passed March 29, 1877.
- CHAP. 70. An act to release certain lands which have escheated to the State to Sarah Henesy, widow of John Fagan, late of Saratoga Springs, New York. Passed March 29, 1877; by a two-third vote.
- CHAP. 71. An act in relation to the keeping open of the office of clerk of the county of Schenectady. Passed March 29, 1877.
- CHAP. 72. An act to regulate voting in the Western New York Agricultural Society. Passed March 29, 1877.
- CHAP. 73. An act to extend the time for the collection of county taxes in the city of Auburn. Passed March 29, 1877; three-fifths being present.
- CHAP. 74. An act to incorporate the Grand Lodge of the Ancient Order of United Workmen, of the State of New York. Passed March 29, 1877.
- CHAP. 75. An act to amend chapter two hundred and seventy of the laws of eighteen hundred and seventy-six, entitled "An act to incorporate the Grand Army of the Republic Soldiers' Home of the State of New York," passed May fifteen, eighteen hundred and seventy-six. Passed March 30, 1877; three-fifths being present.
- CHAP. 76. An act to release the interest of the people of the State of New York in certain real estate in the city of New York to Letitia Hanson. Passed March 30, 1877; by a two-third vote.
- CHAP. 77. An act to legalize the official acts of Dugald E. Cameron as a justice of the peace, in and for the town of Caledonia, in the county of Livingston. Passed March 30, 1877; three-fifths being present.
- CHAP. 78. An act to provide means for the ordinary repairs of the canals preparatory to opening them for the present year. Passed March 30, 1877; three-fifths being present.
- CHAP. 79. An act to amend the charter of the city of Syracuse so far as concerns the reorganization of the fire department of said city. Passed March 30, 1877; three-fifths being present.
- CHAP. 80. An act to amend sections seventy-five and seventy-six of the charter of the city of Kingston. Passed March 30, 1877; three-fifths being present.
- CHAP. 81. An act to amend chapter five hundred and fifty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to amend the act, entitled 'An act to provide for the incorporation of villages, passed December seventh, eighteen hundred and forty-seven, so far as relates to the village of Corning in the county of Steuben.'" Passed March 30, 1877.
- CHAP. 82. An act to legalize and confirm the official acts of Oliver G. Steele, Howard H. Baker and Edward L. Stevenson, as real estate commissioners of the Young Men's Association of the city of Buffalo. Passed March 30, 1877.
- CHAP. 83. An act to authorize the common council of the city of Buffalo to make an appropriation for the deficiency in the poor fund of eighteen hundred and seventy-six of said city. Passed March 30, 1877; three-fifths being present.
- CHAP. 84. An act to confirm the election of trustees in the village of North Tonawanda, in the county of Niagara, and to provide for their election hereafter. Passed March 30, 1877; three-fifths being present.
- CHAP. 85. An act in relation to the superintendent of public works. Passed March 30, 1877; three-fifths being present.
- CHAP. 86. An act to amend chapter one hundred and fifty-six of the laws of eighteen hundred and fifty-two, entitled "An act to amend an act entitled 'An act to provide for the establishment of free schools in the village of Newburgh,'" passed April sixth, eighteen hundred and fifty-two, passed March seventh, eighteen hundred and sixty-five. Passed March 30, 1877; three-fifths being present.

- CHAP. 87.** An act authorizing the board of trustees of the village of West Troy to contract for a supply of water for public purposes. Passed March 30, 1877; three-fifths being present.
- CHAP. 88.** An act to incorporate "St. Raymond's Cemetery," of Westchester, in the State of New York. Passed April 2, 1877.
- CHAP. 89.** An act further to amend chapter six hundred and ninety-two of the laws of eighteen hundred and sixty-six, entitled "An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts and for other purposes." Passed April 2, 1877; three-fifths being present.
- CHAP. 90.** An act further to amend chapter one hundred and six of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the New York Infant Asylum." Passed April 2, 1877; three-fifths being present.
- CHAP. 91.** An act to provide for the collection of unpaid city taxes and local assessments in the city of Syracuse. Passed April 2, 1877; three-fifths being present.
- CHAP. 92.** An act to authorize the Utica and Black River Railroad Company to charge and collect a uniform rate of fare for passengers on the roads operated by said company. Passed April 4, 1877.
- CHAP. 93.** An act to provide for the better administration of justice in the town of Water-vliet, in the county of Albany. Passed April 5, 1877; three-fifths being present.
- CHAP. 94.** An act to authorize the appointment of a librarian to take charge of the law library in the fifth judicial district located at Utica. Passed April 5, 1877; three-fifths being present.
- CHAP. 95.** An act to legalize the acts of George H. Clark as notary public. Passed April 5, 1877; three-fifths being present.
- CHAP. 96.** An act to amend chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Maritime Association of the port of New York." Passed April 5, 1877.
- CHAP. 97.** An act relating to Gowanda union free school district, composed of a part of the town of Collins, in Erie county, and parts of the towns of Persia and Perrysburgh, in Cattaraugus county. Passed April 5, 1877; three-fifths being present.
- CHAP. 98.** An act for the relief of the Kips Bay Methodist Episcopal church. Passed April 5, 1877.
- CHAP. 99.** An act to exempt the counties of Suffolk (except the town of Islip), Onondaga, Saratoga (except the town of Saratoga Springs), Ontario, Yates, Rensselaer, Genesee, Schenectady, Monroe, Livingston, Otsego, Schoharie, Niagara and Orleans from the provisions and operation of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties." Passed April 6, 1877; three-fifths being present.
- CHAP. 100.** An act authorizing the trustees of the village of Ballston Spa to issue bonds, to be known as "Extended Water Bonds," to pay a portion of the water bonds now outstanding of said village, maturing in the year one thousand eight hundred and seventy-seven and thereafter. Passed April 6, 1877; three-fifths being present.
- CHAP. 101.** An act to provide for making, to the New York infirmary for women and children, allowances and payments for the care and maintenance of lying-in and nursing women. Passed April 6, 1877; three-fifths being present.
- CHAP. 102.** An act to provide the State library with the proceedings of boards of supervisors. Passed April 6, 1877; three-fifths being present.
- CHAP. 103.** An act to facilitate the construction of narrow gauge railroad, and to amend chapter five hundred and sixty of the laws of eighteen hundred and seventy-one, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty." Passed April 6, 1877.
- CHAP. 104.** An act to authorize the treasurer of Monroe county to sell property for unpaid taxes. Passed April 6, 1877; three-fifths being present.
- CHAP. 105.** An act to enable Clinton Liberal Institute to change its location. Passed April 11, 1877.

- CHAP. 106.** An act directing the Brooklyn Trust Company to pay over to the supervisor of the town of New Lots certain moneys deposited with them by the commissioners for the laying out, grading and improving Atlantic avenue in the town of New Lots in the county of Kings. Passed April 11, 1877; three-fifths being present.
- CHAP. 107.** An act in relation to the superintendent of State prisons, and for the more efficient and economical management of said prisons. Passed April 11, 1877; three-fifths being present.
- CHAP. 108.** An act to extend the charter of the Chenango Canal Bridge Company, in the county of Broome. Passed April 11, 1877.
- CHAP. 109.** An act to incorporate Rapid Hose Company number one, of the city of Kingston, Ulster county, State of New York. Passed April 11, 1877.
- CHAP. 110.** An act to release to Mary Rolph the right, title and interest of the people of the State of New York, in and to certain real estate in the town of Ridgeway, Orleans county. Passed April 11, 1877; by a two-third vote.
- CHAP. 111.** An act to confirm the title of certain persons to real estate questioned by reason of alienage of former owners. Passed April 11, 1877; by a two-third vote.
- CHAP. 112.** An act to release to Margerry* Farren the right, title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn. Passed April 11, 1877; by a two-third vote.
- CHAP. 113.** An act to authorize the trustees under the will of James Cunningham, to convey to the city of Brooklyn, certain lands and hereditaments at the foot of Noble street, in said city. Passed April 11, 1877.
- CHAP. 114.** An act to amend chapter one hundred and sixty-four of the laws of eighteen hundred and seventy-five, entitled "An act for the relief of the grandchildren of Samuel F. Pratt, late of the city of Buffalo, deceased." Passed April 11, 1877.
- CHAP. 115.** An act to amend chapter four hundred and twenty-six of the laws of eighteen hundred and sixty-eight, entitled "An act relative to the lands devised by Richard Ray, deceased." Passed April 12, 1877.
- CHAP. 116.** An act to amend chapter three hundred and seventy of the laws of eighteen hundred and seventy-three, entitled "An act to revise and amend an act entitled 'An act to incorporate the village of Port Jervis,' passed March thirtieth, eighteen hundred and sixty-six, and all acts relating thereto," passed May first, eighteen hundred and seventy-three. Passed April 12, 1877; three-fifths being present.
- CHAP. 117.** An act to amend chapter two hundred and twenty-four, laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village,' passed April third, eighteen hundred and sixty-one," passed April twelfth, eighteen hundred and seventy-two. Passed April 12, 1877; three-fifths being present.
- CHAP. 118.** An act to extend the time for the collection of taxes in the town of Wellsville, in the county of Allegany. Passed April 12, 1877; three-fifths being present.
- CHAP. 119.** An act to amend section twenty-three of chapter ten of the laws of eighteen hundred and fifty-nine, entitled "An act to amend an act entitled 'An act to revise, amend and consolidate the several acts relating to the village of Whitesborough,'" passed February twelfth, eighteen hundred and fifty-nine, as amended by chapter three hundred and four of the laws of eighteen hundred and seventy-three. Passed April 12, 1877; three-fifths being present.
- CHAP. 120.** An act to legalize the acts of Roselle W. Higgins, as notary public of Jefferson county. Passed April 12, 1877; three-fifths being present.
- CHAP. 121.** An act to legalize the acts of Charles C. Wakeley as notary public. Passed April 12, 1877; three-fifths being present.
- CHAP. 122.** An act to amend section four of chapter five hundred and twenty-nine of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the superintendents of the fair grounds of the town of Oswegatchie, passed April fifteen, eighteen hundred and seventy-one, as amended by chapter one hundred and thirty-seven of the laws of eighteen hundred and seventy-two." Passed April 13, 1877; three-fifths being present.

* So in the original.

- CHAP. 123. An act to amend chapter five hundred and twenty-nine of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the Rhinebeck Gas Company." Passed April 13, 1877.
- CHAP. 124. An act to legalize the incorporation of Schenevus village in the county of Otsego, and to approve the action of the incorporation of said village, under chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages." Passed April 13, 1877; three-fifths being present.
- CHAP. 125. An act to release to Edward Kennedy and others the right, title and interest of the people of the state of New York to certain real estate in the city of New York. Passed April 13, 1877; by a two-third vote.
- CHAP. 126. An act to incorporate the Veteran Guard of the city of New York. Passed April 13, 1877; three-fifths being present.
- CHAP. 127. An act to amend and make additions to chapter four hundred and sixty-three of the laws of eighteen hundred and sixty, entitled "An act to revise the charter of the city of Oswego," and the acts amendatory thereof. Passed April 14, 1877; three-fifths being present.
- CHAP. 128. An act making appropriations for the support of government. Passed April 14, 1877; by a two-third vote.
- CHAP. 129. An act to amend chapter four hundred and ten of the laws of eighteen hundred and seventy-four, entitled "An act to authorize towns and villages to provide a sinking fund for the payment of their bonded indebtedness," so far as the same relates to the county of Chautauqua. Passed April 14, 1877; three-fifths being present.
- CHAP. 130. An act legalizing and confirming a certain deed of real estate executed by M. Lindley Lee to Elizabeth Crumley, and also a certain deed executed by said Elizabeth Crumley to Jennie E. Crumley. Passed April 14, 1877; by a two-third vote.
- CHAP. 131. An act to release the right, title and interest of the people of the state of New York in and to the proceeds of sale of certain real estate in the town of Middletown, county of Richmond, to Phillipena Schworm, widow of Bernard Schworm, deceased. Passed April 14, 1877; by a two-third vote.
- CHAP. 132. An act to release the interest of the people of the state of New York in certain real estate in the city of Troy, to Catharine Maginnis. Passed April 14, 1877; by a two-third vote.
- CHAP. 133. An act to release to the estate of Charles Doran, deceased, the right, title and interest of the people of the State of New York in and to certain real estate in the city of Poughkeepsie. Passed April 14, 1877; by a two-third vote.
- CHAP. 134. An act to amend an act entitled "An act to incorporate the village of Lima, Livingston county," passed April twenty-fifth, eighteen hundred and sixty-seven. Passed April 14, 1877; three-fifths being present.
- CHAP. 135. An act to amend chapter seventy-one of the laws of eighteen hundred and forty-four, entitled "An act to amend an act for the incorporation of the village of Oxford, and for other purposes." Passed April 14, 1877; three-fifths being present.
- CHAP. 136. An act supplementary to chapter two hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defense of the Union, passed March thirty, eighteen hundred and sixty-six. Passed April 14, 1877; three-fifths being present.
- CHAP. 137. An act to incorporate the library and reading room of the village of Port Chester in Westchester county. Passed April 14, 1877; three-fifths being present.
- CHAP. 138. An act to repeal chapter five hundred and eighty-three of the laws of eighteen hundred and sixty-nine, entitled "An act relative to the improvement of Mamaroneck harbor, and for the promotion of the public health," passed May fifth, eighteen hundred and sixty-nine. Passed April 14, 1877.
- CHAP. 139. An act to authorize the common council of the city of Hudson to borrow five thousand dollars for maintenance of the water-works of said city. Passed April 14, 1877; three-fifths being present.
- CHAP. 140. An act to incorporate the Horseheads fire department. Passed April 14, 1877; three-fifths being present.

- CHAP. 141. An act to legalize the official acts of E. W. Sherman as notary public. Passed April 14, 1877; three-fifths being present.
- CHAP. 142. An act to amend chapter one hundred and one of the laws of eighteen hundred and sixty-two, entitled "An act in relation to the support and custody of indigent insane persons of the county of Genesee." Passed April 14, 1877; three-fifths being present.
- CHAP. 143. An act to authorize the common council of "the city of Watertown" to cancel and annul a bond executed and delivered to "the city of Watertown," by Byron D. Adsit, with sureties dated January sixth, eighteen hundred and seventy-four, and to release and discharge the said Byron D. Adsit and his sureties from all liability thereon. Passed April 14, 1877; three-fifths being present.
- CHAP. 144. An act to confirm the acts of the trustees of the Raquetteville Cemetery Association of North Potsdam, and to authorize the transfer of the remains of deceased persons buried in the grounds of such association to other grounds, and to authorize the sale and conveyance of the grounds abandoned. Passed April 14, 1877.
- CHAP. 145. An act to confirm the title of certain lands conveyed to Josefa M. Mora, an alien. Passed April 14, 1877.
- CHAP. 146. An act to amend an act entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," passed April twenty-first, eighteen hundred and sixty-two, and the acts amendatory thereof. Passed April 14, 1877; three-fifths being present.
- CHAP. 147. An act authorizing the supervisor and justices of the peace of the town of Avon in the county of Livingston to convey to the Avon Cemetery Association certain lands situate in the village of Avon. Passed April 14, 1877.
- CHAP. 148. An act in relation to the improvement of the Racket river and of the hydraulic power thereon, and to check freshets therein. Passed April 14, 1877; three-fifths being present.
- CHAP. 149. An act to amend an act entitled "An act to incorporate the Union Stock Yard and Market Company," passed May seventh, eighteen hundred and seventy-two. Passed April 14, 1877.
- CHAP. 150. An act to release to Mary Kinney the right, title and interest of the people of the State of New York, in and to certain real estate in the city of Utica. Passed April 14, 1877; by a two-third vote.
- CHAP. 151. An act to incorporate the Whitehall water-works company, and to enable the village of Whitehall to contract with said company for the use of water. Passed April 14, 1877; three-fifths being present.
- CHAP. 152. An act to amend chapter three hundred and eighty-nine of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter five hundred and four of the laws of eighteen hundred and seventy-five, entitled 'An act to amend chapter four hundred and fifty-five of the laws of eighteen hundred and seventy-four, entitled, an act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also, of Clyde and Seneca rivers, in the counties of Wayne and Cayuga.'" Passed April 14, 1877; three-fifths being present.
- CHAP. 153. An act to amend chapter sixty-eight of the laws of eighteen hundred and sixty, entitled "An act to consolidate and amend the several acts relating to the village of Catskill." Passed April 17, 1877; three-fifths being present.
- CHAP. 154. An act to amend chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-one, entitled "An act to authorize the appointment of a person to be public administrator in the county of Kings, and to determine the powers and duties of such officer." Passed April 17, 1877; three-fifths being present.
- CHAP. 155. An act further to amend chapter four hundred and twenty of the laws of eighteen hundred and sixty-two, entitled "An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers." Passed April 17, 1877.
- CHAP. 156. An act further to amend chapter two hundred and eighty of the laws of eighteen hundred and fifty-two, entitled "An act further to amend an act, entitled 'An act authorizing the incorporation of rural cemetery associations,' passed April twenty-seventh, eighteen hundred and forty-seven. Passed April 17, 1877; three-fifths being present.

- CHAP. 157.** An act to repeal certain provisions of chapter four of the laws of eighteen hundred and sixty-two, entitled "An act to secure the better application of funds to relieve the poor in the town of Little Falls, Herkimer county," and to make the overseer of alms of said town the overseer of the poor therein. Passed April 17, 1877; three-fifths being present.
- CHAP. 158.** An act extending to corporations located in and organized under the laws of other states, certain rights and powers now possessed by similar corporations of this State. Passed April 17, 1877.
- CHAP. 159.** An act relating to the payment of assessments for local improvements in the city of New York. Passed April 17, 1877; three-fifths being present.
- CHAP. 160.** An act to amend chapter seventy-six of the laws of eighteen hundred and fifty, entitled "An act to revise and consolidate the laws in relation to the village of Whitehall, passed March sixteenth, eighteen hundred and fifty, and the other acts amendatory thereof." Passed April 17, 1877; three-fifths being present.
- CHAP. 161.** An act to amend chapter five hundred and fifty-five, laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction." Passed April 17, 1877; three-fifths being present.
- CHAP. 162.** An act to amend chapter forty-four of the laws of eighteen hundred and twenty-eight, entitled "An act relative to the common school fund of Edmeston in the county of Otsego," and supplementary thereto. Passed April 17, 1877; three-fifths being present.
- CHAP. 163.** An act to amend chapter three hundred and ninety-five of the laws of eighteen hundred and fifty-nine, entitled "An act in relation to the colonial history of the State, and the natural history thereof." Passed April 17, 1877; three-fifths being present.
- CHAP. 164.** An act to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes." Passed April 18, 1877.
- CHAP. 165.** An act to authorize the trustees of the New York and Brooklyn bridge to change the site of a portion of Frankfort street, between Pearl and Jacob streets, in the city of New York. Passed April 19, 1877; three-fifths being present.
- CHAP. 166.** An act to amend chapter four hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Hamilton in the county of Madison, and to repeal its present charter," and to repeal chapter two hundred and fifty of the laws of eighteen hundred and seventy, chapter eighteen of the laws of eighteen hundred and seventy-four, and chapter one hundred and forty-two of the laws of eighteen hundred and seventy-five. Passed April 19, 1877; three-fifths being present.
- CHAP. 167.** An act in relation to the indictment and punishment of criminal offenses committed on railroads within the state. Passed April 20, 1877; three-fifths being present.
- CHAP. 168.** An act to amend section forty-two of article third, title one, of chapter eight, of part second of the revised statutes, entitled "Of divorces dissolving the marriage contract." Passed April 20, 1877.
- CHAP. 169.** An act to provide means for the support of the Inebriates' Home for Kings county, and for the government of the said home, and to amend the several acts relating thereto, passed May ninth, eighteen hundred and sixty-seven, April thirtieth, eighteen hundred and sixty-eight, May fourteenth, eighteen hundred and seventy-two, and June twenty-first, eighteen hundred and seventy-five. Passed April 20, 1877; three-fifths being present.
- CHAP. 170.** An act to amend chapter one hundred and fifty-nine of the laws of eighteen hundred and seventy-three, entitled "An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation." Passed April 21, 1877; three-fifths being present.
- CHAP. 171.** An act to amend chapter seven hundred and thirty-seven of the laws of eighteen hundred and seventy-three, entitled "An act in relation to the creation and formation of water-works companies in towns and villages of the state of New York." Passed April 24, 1877; three-fifths being present.

- CHAP. 172.** An act authorizing the removal of the female convicts confined in the state prison at Sing Sing, and the confinement of females hereafter convicted of felony, in the county penitentiaries of this state. Passed April 24, 1877; three-fifths being present.
- CHAP. 173.** An act in relation to the imprisonment of convicts in the New York state reformatory at Elmira, and the government and release of such convicts by the managers. Passed April 24, 1877; three-fifths being present.
- CHAP. 174.** An act to establish a fire department in the second school district of the town of Glenville, in the county of Schenectady, and for the government and maintenance of the same. Passed April 25, 1877; three-fifths being present.
- CHAP. 175.** An act authorizing the commissioners of highways of the town of Glenville, Schenectady county, to appropriate a portion of the moneys received for a commutation of highway labor to the payment of interest of indebtedness of said town, incurred in the purchase and rebuilding of the Mohawk and Schenectady bridge company's bridges, and for repairs of said bridges. Passed April 25, 1877; three-fifths being present.
- CHAP. 176.** An act making appropriations for the payment of the principal and the interest of the canal debt for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-seven, and to provide for the payment of the principal and interest of the debt contracted under section twelve of article seven of the constitution. Passed April 25, 1877; three-fifths being present.
- CHAP. 177.** An act to amend chapter three hundred and eighty-one of the laws of eighteen hundred and seventy-five, entitled "An act supplemental to an act entitled 'An act to provide for the incorporation of religious societies,' passed April fifth, eighteen hundred and thirteen, and of the several acts amendatory thereof." Passed April 25, 1877; three-fifths being present.
- CHAP. 178.** An act in relation to bets, wagers and pools. Passed April 25, 1877; three-fifths being present.
- CHAP. 179.** An act to authorize the city of Troy to refund a portion of its bonded debt, falling due in the fiscal years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight. Passed April 25, 1877; three-fifths being present.
- CHAP. 180.** An act to confirm the proceedings of the town meeting held at Geneva, authorizing the raising of money for road and bridge purposes. Passed April 25, 1877; three-fifths being present.
- CHAP. 181.** An act extending the time in which the Canandaigua, Palmyra and Ontario Railway Company shall expend ten per cent of its capital in the construction of its road, and in which to finish the same and put it in operation. Passed April 25, 1877.
- CHAP. 182.** An act to amend chapter six hundred and forty-one of the laws of eighteen hundred and sixty-seven, entitled "An act for the relief of the Co-operative Iron Founders' Association of Troy." Passed April 25, 1877.
- CHAP. 183.** An act to provide for the reduction of the number of directors in fire and marine insurance companies. Passed April 25, 1877.
- CHAP. 184.** An act to enable the Orphans' Home and Asylum of the Protestant Episcopal Church, in New York, to acquire and hold real and personal estate, each to the amount of three hundred thousand dollars. Passed April 27, 1877.
- CHAP. 185.** An act to amend chapter six hundred and eighty-three of the law of eighteen hundred and seventy-one, entitled "An act amending, revising and consolidating the several acts in relation to the village of Greenbush," passed March twenty-second, eighteen hundred and fifty-four, and April twenty-ninth, eighteen hundred and sixty-three. Passed April 27, 1877; three-fifths being present.
- CHAP. 186.** An act to amend chapter seven hundred and forty-two of the laws of eighteen hundred and seventy-one, entitled "An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire-alarm telegraph, the incumbance of hydrants, and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city." Passed April 27, 1877; three-fifths being present.
- CHAP. 187.** An act relative to summary proceedings to recover the possession of lands for non-payment of rent, and for holding over after expiration of term, in the city of New York. Passed April 28, 1877; three-fifths being present.

- CHAP. 188. An act to amend chapter three hundred and eighty-five of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Warwick," as amended by chapter four hundred and eighty-one of the laws of eighteen hundred and seventy-two. Passed April 28, 1877; three-fifths being present.
- CHAP. 189. An act in relation to the laying out of a public ground in the fourth ward of the city of Schnectady, and authorizing the common council to borrow money for that purpose. Passed April 28, 1877; three-fifths being present.
- CHAP. 190. An act to authorize the payment of certain moneys out of the state treasury to the heirs at law of Maria Brimmayer, deceased. Passed April 28, 1877; by a two-third vote.
- CHAP. 191. An act to authorize the appointment and provide for the compensation of a stenographer of the special terms of the supreme court held in the county of Westchester. Passed April 28, 1877; three-fifths being present.
- CHAP. 192. An act to amend chapter one hundred and ninety-six of the laws of eighteen hundred and seventy-six, entitled "An act to establish a local court of civil jurisdiction in the city of Rochester, to be called the municipal court of the city of Rochester, and to amend the charter of said city." Passed April 28, 1877; three-fifths being present.
- CHAP. 193. An act to amend chapter six hundred and ten of the laws of eighteen hundred and seventy-four, entitled "An act to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the several towns of the county of Westchester." Passed April 28, 1877; three-fifths being present.
- CHAP. 194. An act to amend chapter ninety of the laws of eighteen hundred and sixty-five, entitled "An act to amend and consolidate the several acts relating to the village of Ilion." Passed April 30, 1877; three-fifths being present.
- CHAP. 195. An act to enable the trustees of the Seaman's Fund and Retreat in the city of New York to borrow money. Passed April 30, 1877.
- CHAP. 196. An act further to amend chapter one hundred and seventeen of the laws of eighteen hundred and forty-three, entitled "An act to incorporate the American Baptist Home Mission Society." Passed April 30, 1877.
- CHAP. 197. An act further to amend section fifty of article three, title one, of chapter sixteen of the first part of the revised statutes, in relation to highways. Passed April 30, 1877; three-fifths being present.
- CHAP. 198. An act authorizing the commissioners of the land office to exchange lands on the Onondaga salt springs reservation. Passed April 30, 1877; by a two-third vote.
- CHAP. 199. An act to facilitate the establishment of a botanical garden in the city of New York. Passed April 30, 1877; three-fifths being present.
- CHAP. 200. An act to grant to the city of Yonkers certain lands belonging to the people of the state of New York, lying below the original line of high-water mark in the Nepperham basin in the city of Yonkers. Passed May 1, 1877; by a two-third vote.
- CHAP. 201. An act to extend the time for the collection of taxes in the county of Richmond. Passed May 1, 1877; three-fifths being present.
- CHAP. 202. An act to amend an act entitled "An act relating to fares for carrying passengers on street railroads in the city of Buffalo." Passed May 1, 1877.
- CHAP. 203. An act to amend chapter five hundred and twelve of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Hart's Falls, in the county of Rensselaer." Passed May 1, 1877; three-fifths being present.
- CHAP. 204. An act to authorize the city of Utica to borrow money for the purpose of erecting a police station-house and lock-up therein, and to make necessary repairs to the city hall building. Passed May 2, 1877; three-fifths being present.
- CHAP. 205. An act to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica," also to authorize the common council of said city to raise money to provide for judgments against said city. Passed May 2, 1877; three-fifths being present.
- CHAP. 206. An act regulating the practice in the surrogate's court of the county of New York, respecting testimony taken in contested matters, and as to the issue of letters of guardianship to testamentary guardians. Passed May 2, 1877; three-fifths being present.

- CHAP. 207. An act further to amend chapter five hundred and sixty-nine of the laws of eighteen hundred and seventy, entitled "An act authorizing the sale of lands belonging to and occupied by the Seamen's Retreat on Staten Island." Passed May 2, 1877; by a two-third vote.
- CHAP. 208. An act to define and punish embezzlement by executors, administrators, guardians and trustees. Passed May 2, 1877; three-fifths being present.
- CHAP. 209. An act regulating the amount of capital stock for fire and marine insurance companies. Passed May 2, 1877.
- CHAP. 210. An act to incorporate the New York State Bar Association. Passed May 2, 1877.
- CHAP. 211. An act in relation to the names of insurance companies. Passed May 2, 1877.
- CHAP. 212. An act authorizing the adjutant-general, the inspector-general and the commissary-general to audit the claim of the ninth regiment national guard of the State of New York for uniforms and equipments worn out in the United States service during the late war. Passed May 3, 1877; three-fifths being present.
- CHAP. 213. An act to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eighth, eighteen hundred and sixty-one, and the various acts amendatory thereof or relating to the city of Rochester. Passed May 3, 1877; three-fifths being present.
- CHAP. 214. An act in relation to the fire department of the city of Newburgh. Passed May 3, 1877; three-fifths being present.
- CHAP. 215. An act to authorize the county clerk of the county of Chenango to certify defective records and enter certain orders and judgments, omitted to be entered by his predecessors in office. Passed May 3, 1877; three-fifths being present.
- CHAP. 216. An act to amend an act entitled "An act to incorporate the Round Lake Camp Meeting Association of the Methodist Episcopal Church of the Troy Conference," passed May fifth, eighteen hundred and sixty-eight. Passed May 3, 1877.
- CHAP. 217. An act to authorize the city of Oswego to borrow money for the purpose of paying off the floating debt of said city. Passed May 3, 1877; three-fifths being present.
- CHAP. 218. An act to amend an act entitled "An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April eleventh, eighteen hundred and sixty-five," passed April twelfth, eighteen hundred and sixty-six. Passed May 3, 1877; three-fifths being present.
- CHAP. 219. An act for the relief of school districts wishing to contract with boards of education of cities, to educate their children in city schools. Passed May 3, 1877.
- CHAP. 220. An act in relation to certain moneys heretofore appropriated towards the endowment of an academy in the village of Delhi. Passed May 3, 1877; three-fifths being present.
- CHAP. 221. An act authorizing the board of trustees of the village of Green Island to contract for a supply of water for public purposes. Passed May 3, 1877; three-fifths being present.
- CHAP. 222. An act to release the interest of the people of the State of New York in certain real estate to Mary Jetton. Passed May 3, 1877; by a two-third vote.
- CHAP. 223. An act extending the time for the organization of the New York Loan and Security Company. Passed May 3, 1877.
- CHAP. 224. An act to amend chapter two hundred and thirty-seven of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled an act to authorize the formation of railroad corporations, and to regulate the same, passed April second, eighteen hundred and fifty," passed April seventeenth, eighteen hundred and sixty-nine. Passed May 3, 1877; three-fifths being present.
- CHAP. 225. An act to establish the boundary line between the towns of Jay and Wilmington in the county of Essex, and to confirm the past jurisdiction of said towns respectively in relation to said line. Passed May 3, 1877.

- CHAP. 226.** An act supplementary to chapter three hundred and forty-nine of the laws of eighteen hundred and fifty-five, entitled "An act incorporating the Oswego fire department of the city of Oswego," passed April twelfth, eighteen hundred and fifty-five, and the acts amending the same. Passed May 3, 1877; three-fifths being present.
- CHAP. 227.** An act to amend chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Port Chester." Passed May 3, 1877; three-fifths being present.
- CHAP. 228.** An act to provide for the incorporation of exchanges or boards of trade. Passed May 3, 1877.
- CHAP. 229.** An act to regulate the reinsurance of the policy obligations of life insurance companies. Passed May 4, 1877.
- CHAP. 230.** An act to release the interest of the people of the State of New York in and to all moneys arising from the sale in partition of certain real estate premises, situate in the city of Buffalo, and to rents collected therefrom, to August Steinhoff, William Steinhoff and Phillip Steinhoff. Passed May 4, 1877; by a two-third vote.
- CHAP. 231.** An act to confirm the proceedings taken by the common council of the city of Buffalo to clean the sewer in Wadsworth street, between Hudson and Pennsylvania streets in said city. Passed May 4, 1877; three-fifths being present.
- CHAP. 232.** An act to authorize the common council of the city of Lockport, to raise by tax and disburse money in finishing Washington hose carriage house in said city. Passed May 4, 1877; three-fifths being present.
- CHAP. 233.** An act to legalize and confirm the proceedings of the board of trustees of the village of Andes, in the county of Delaware, in relation to the purchase of hydrants for the use of said village and the creation of a debt for that purpose and to provide for the payment thereof. Passed May 4, 1877; three-fifths being present.
- CHAP. 234.** An act further to amend chapter three hundred and thirty-eight of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled 'An act for the relief of the surviving members of the First regiment of New York volunteers, who served in the war with Mexico.'" Passed May 4, 1877; by a two-third vote.
- CHAP. 235.** An act to enable the presidents, directors and companies of the Catskill Mountain and Susquehanna turnpike roads to abandon parts of their roads. Passed May 4, 1877.
- CHAP. 236.** An act to change the name of the First Presbyterian Church of Kortright, Delaware county, and to legalize the acts of the trustees of said church heretofore done under the name of the Trustees of the United Presbyterian Church of Kortright and to legalize all the proceedings had by said church under the name of said United Presbyterian Church. Passed May 4, 1877.
- CHAP. 237.** An act to release the interest of the people of the State of New York, in certain real estate in the city of Rochester, to Thomas Knowles. Passed May 5, 1877; by a two-third vote.
- CHAP. 238.** An act to authorize the commissioners of highways of the town of Corning, in the county of Steuben, to maintain and keep in repair certain bridges, and the approaches thereto, and to cause the insurance thereof against loss or damage by fire. Passed May 5, 1877; three-fifths being present.
- CHAP. 239.** An act to authorize the commissioners of the town of Diana, in the county of Lewis, appointed under chapter one hundred and fifteen of the laws of eighteen hundred and sixty-eight, to issue bonds for the purpose of raising funds with which to pay the bonds of said town. Passed May 5, 1877; three-fifths being present.
- CHAP. 240.** An act to amend chapter three hundred and twenty-six of the laws of eighteen hundred and twenty-nine, entitled "An act to incorporate the village of Canajoharie in the county of Montgomery." Passed May 8, 1877; three-fifths being present.
- CHAP. 241.** An act to prevent the making and publication of false or deceptive statements in relation to the business of fire insurance. Passed May 8, 1877.
- CHAP. 242.** An act to incorporate Crystal hose company number one of the city of Binghamton, New York. Passed May 8, 1877; three-fifths being present.

- CHAP. 243.** An act to further amend chapter one hundred and thirty-seven of the laws of eighteen hundred and forty-two, entitled "An act in relation to common schools in the city of Utica," and chapter sixty-six of the laws of eighteen hundred and fifty, entitled "An act in relation to common schools in the city of Utica." Passed May 9, 1877; three-fifths being present.
- CHAP. 244.** An act to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages." Passed May 9, 1877; three-fifths being present.
- CHAP. 245.** An act authorizing the state treasurer and other state officers to publish in the state paper, monthly statements of bank balances, and for other purposes. Passed May 9, 1877; three-fifths being present.
- CHAP. 246.** An act to amend chapter one hundred and ninety of the laws of eighteen hundred and seventy-seven, entitled "An act to authorize the payment of certain moneys out of the state treasury to the heirs-at-law of Maria Brimmayer, deceased," passed April twenty-eight, eighteen hundred and seventy-seven. Passed May 9, 1877; by a two-third vote.
- CHAP. 247.** An act to amend chapter three hundred and thirty, laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the village of Deposit, situated partly in the town of Sanford, Broome county, and partly in the town of Tompkins, Delaware county, and to revise and compile the several acts relative to said village," passed April twenty-nine, eighteen hundred and seventy-three. Passed May 9, 1877; three-fifths being present.
- CHAP. 248.** An act requiring the superintendents of the poor of the county of Genesee to convey to the board of supervisors of said county the lands and appurtenances known as the poor-house farm, situate in the town of Bethany, in said county. Passed May 9, 1877; three-fifths being present.
- CHAP. 249.** An act to provide for lighting the streets in the village of Perry, in the county of Wyoming, state of New York. Passed May 9, 1877; three-fifths being present.
- CHAP. 250.** An act to dissolve the College of Missionaries. Passed May 9, 1877.
- CHAP. 251.** An act relative to lands devised by Jesse Browne, deceased. Passed May 9, 1877.
- CHAP. 252.** An act to confer upon the trustees of the village of Middletown, in the county of Orange, power to restrain and regulate the construction of wooden buildings, structures, additions or improvements, and to cause the removal or repair of unsafe walls or chimneys. Passed May 9, 1877; three-fifths being present.
- CHAP. 253.** An act to amend chapter one hundred and seven of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the superintendent of State prisons, and for the more efficient and economical management of said prisons." Passed May 10, 1877; three-fifths being present.
- CHAP. 254.** An act to enable Long Island City to refund a portion of its Newtown debt. Passed May 10, 1877; three-fifths being present.
- CHAP. 255.** An act authorizing the supervisor of the town of Newtown, Queens county, to issue and exchange certain bonds. Passed May 10, 1877; three-fifths being present.
- CHAP. 256.** An act to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs." Passed May 10, 1877.
- CHAP. 257.** An act in respect to the printed minutes of the proceedings of the common council of the city of Buffalo. Passed May 10, 1877.
- CHAP. 258.** An act to release and convey to Mary Graham the interest of the people of the State of New York in certain real estate. Passed May 10, 1877; by a two-third vote.
- CHAP. 259.** An act to release and convey to Caroline Kertz the interest of the people of the State of New York in certain real estate in the city of Brooklyn. Passed May 10, 1877; by a two-third vote.

- CHAP. 260.** An act to extend the time to complete the city and county hall in the city of Buffalo, and the county jail of Erie county, and the term of the commissioners appointed for that purpose. Passed May 10, 1877; three-fifths being present.
- CHAP. 261.** An act to punish trespassing on railroads. Passed May 10, 1877.
- CHAP. 262.** An act to release the interest of the people of the State of New York in the real estate of which Thomas Smith died seized, to Thomas Scally of the city of Albany. Passed May 10, 1877; by a two-third vote.
- CHAP. 263.** An act to incorporate the Cathedral of the Incarnation in the diocese of Long Island. Passed May 10, 1877.
- CHAP. 264.** An act establishing a ferry from Essex village, in the county of Essex, across Lake Champlain to the town of Charlotte, in the State of Vermont. Passed May 10, 1877.
- CHAP. 265.** An act in relation to a fund or property proceeding from the trustees for the Society of United Christian Friends in the city of New York, a religious corporation, or from the congregation or society of said corporation. Passed May 10, 1877.
- CHAP. 266.** An act to amend chapter two hundred and eighty-eight of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate societies for the improvement of poultry, small birds, domestic animals and fish culture. Passed May 10, 1877; three-fifths being present.
- CHAP. 267.** An act in relation to the recorder's court of the city of Utica. Passed May 10, 1877; three-fifths being present.
- CHAP. 268.** An act in relation to the collection of taxes and the sales of land therefor in certain towns of Queens county. Passed May 10, 1877; three-fifths being present.
- CHAP. 269.** An act to amend chapter four hundred and forty-three of the laws of eighteen hundred and seventy-six, entitled "An act supplemental to the act entitled 'An act to revise the charter of the city of Syracuse,' passed March third, eighteen hundred and fifty-seven, and the acts amendatory thereto." Passed May 10, 1877; three-fifths being present.
- CHAP. 270.** An act relative to the arrears of taxes and assessments in the city of Brooklyn. Passed May 11, 1877; three-fifths being present.
- CHAP. 271.** An act to legalize and confirm the drawing of the names of persons to serve as jurors. Passed May 12, 1877; three-fifths being present.
- CHAP. 272.** An act to authorize the city of Elmira to issue bonds for the payment of certain other bonds of said city falling due on or before March first, eighteen hundred and seventy-eight. Passed May 14, 1877; three-fifths being present.
- CHAP. 273.** An act to authorize the transfer of certain real estate to the Seminary of Our Lady of Angels. Passed May 15, 1877.
- CHAP. 274.** An act conferring certain powers on the clerk of the surrogate's court of the county of New York. Passed May 16, 1877; three-fifths being present.
- CHAP. 275.** An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations. Passed May 16, 1877; by a two-third vote.
- CHAP. 276.** An act to prohibit the throwing of cinders, ashes, refuse and garbage into the waters of Long Island sound, and into the bays and harbors opening into the same. Passed May 17, 1877; three-fifths being present.
- CHAP. 277.** An act extending the time for the trustees of the First Presbyterian Church of Waterford to file their claim for damages with the canal appraisers. Passed May 17, 1877; three-fifths being present.
- CHAP. 278.** An act in relation to the improvement of the Croton aqueduct in the city of New York. Passed May 17, 1877; three-fifths being present.
- CHAP. 279.** An act to confirm the official acts of William J. Merritt as notary public of Kings county. Passed May 18, 1877; three-fifths being present.
- CHAP. 280.** An act to enable the town of Newtown, in Queens county, to consolidate a portion of its bonded debt and equalize the time of payment thereof. Passed May 18, 1877; three-fifths being present.
- CHAP. 281.** An act to provide for the enlargement of the school-house site of school district number nine of the towns of Ellicott, Ellery and Gerry, in the county of Chautauqua. Passed May 18, 1877; three-fifths being present.

- CHAP. 282.** An act to realize* the interest of the people of the State of New York in certain lands, of which Michael Schmitts died seized, to Katharine Schmitts. Passed May 18, 1877; by a two-third vote.
- CHAP. 283.** An act further to amend chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn." Passed May 18, 1877; three-fifths being present.
- CHAP. 284.** An act to enable the city of Brooklyn to acquire certain lands lying in Atlantic avenue, decided to be the property of the heirs of John Cowenhoven. Passed May 18, 1877; three-fifths being present.
- CHAP. 285.** An act in relation to certain matters and proceedings in surrogates' courts in cases of disqualification. Passed May 19, 1877.
- CHAP. 286.** An act to repeal chapter three hundred and thirty-two of the laws of eighteen hundred and seventy-one, entitled "An act for the relief of the Bath Library Association," passed April sixth, eighteen hundred and seventy-one. Passed May 19, 1877; three-fifths being present.
- CHAP. 287.** An act to amend chapter six hundred and fifty-one of the laws of eighteen hundred and seventy, entitled an act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer. Passed May 19, 1877; three-fifths being present.
- CHAP. 288.** An act to amend chapter five hundred and eighty-three of the laws of eighteen hundred and seventy-four, entitled "An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park in the city of Brooklyn, toward Coney Island in the county of Kings, as amended by chapter four hundred and eighty-nine, of the laws of eighteen hundred and seventy-five." Passed May 19, 1877; three-fifths being present.
- CHAP. 289.** An act to provide for the adjustment and payment of a deficiency in the State tax of eighteen hundred and seventy-four, arising out of the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York. Passed May 19, 1877; three-fifths being present.
- CHAP. 290.** An act further to amend chapter five hundred and ninety-one of the laws of eighteen hundred and seventy-one, entitled "An act in relation to the bonded debt of the town of Eastchester, county of Westchester." Passed May 19, 1877; three-fifths being present.
- CHAP. 291.** An act to amend chapter five hundred and fifty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Niagara Grand Island Bridge Company." Passed May 19, 1877.
- CHAP. 292.** An act relating to the payment of assessments for local improvements in the city of Brooklyn. Passed May 19, 1877; three-fifths being present.
- CHAP. 293.** An act to amend an act entitled "An act to amend the act entitled 'An act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango,' passed March twenty-three, eighteen hundred and fifty-seven, and the act amendatory thereto, passed April third, eighteen hundred and sixty-seven," passed April twenty-six, eighteen hundred and seventy-one. Passed May 19, 1877; three-fifths being present.
- CHAP. 294.** An act to authorize the town of Mooers, in the county of Clinton, to borrow money and issue bonds therefor, for the purpose of relieving the poor of said town from suffering caused by the late conflagration in said town, and to levy and collect a tax for the payment of the same. Passed May 19, 1877; three-fifths being present.
- CHAP. 295.** An act to provide for the payment of the award made by the board of audit, created under chapter two hundred and twelve of the laws of eighteen hundred and seventy-seven. Passed May 19, 1877; three-fifths being present.
- CHAP. 296.** An act to provide for the removal of eel weirs and other devices for taking fish, from the Delaware river, or of any of its tributaries, and to prevent the maintenance of such devices. Passed May 19, 1877; three-fifths being present.
- CHAP. 297.** An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain. Passed May 19, 1877.

* So in the original.

- CHAP. 298.** An act to provide for payment for the use and occupation of the rooms occupied by the several courts provided for by chapter three hundred and twenty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to re-enact and amend an act entitled 'An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,'" passed May twenty-third, eighteen hundred and seventy-three. Passed May 21, 1877; three-fifths being present.
- CHAP. 299.** An act to further amend an act entitled "An act to incorporate the Masonic Hall Association in the western district of the city of Brooklyn," passed April twentieth, eighteen hundred and sixty-six, as amended by an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Hall Association in the western district of the city of Brooklyn,'" passed April twentieth, eighteen hundred and sixty-six, passed April twenty-eighth, eighteen hundred and seventy. Passed May 21, 1877.
- CHAP. 300.** An act to amend chapter seven hundred and sixty-six of the laws of eighteen hundred and sixty-eight, entitled "An act to empower Ulster Lodge number fifty-nine, of the Independent order of Odd Fellows of the State of New York, in the village of Saugerties and county of Ulster, to hold and convey real and personal estate, and constitute the same a corporation." Passed May 21, 1877.
- CHAP. 301.** An act reappropriating moneys for the reconstruction of the Oneida Lake canal. Passed May 21, 1877; three-fifths being present.
- CHAP. 302.** An act to repeal chapter one hundred and forty-two of the laws of eighteen hundred and seventy-three, entitled "An act to amend chapter ninety-seven of the laws of eighteen hundred and sixty-nine, entitled 'An act to incorporate the trustees of the Minard fund for the benefit of widows and orphans of deceased preachers of the Genesee annual conference.'" Passed May 21, 1877.
- CHAP. 303.** An act to further amend chapter five hundred and ten of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Flushing, passed April fifteenth, eighteen hundred and thirty-seven, and the several acts amendatory thereof,' passed March twentieth, eighteen hundred and fifty-seven." Passed May 21, 1877; three-fifths being present.
- CHAP. 304.** An act in relation to countersigning warrants for payments from the treasury of the city of New York. Passed May 21, 1877; three-fifths being present.
- CHAP. 305.** An act further to amend chapter seventy-seven of the laws of eighteen hundred and seventy, entitled "An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April twelfth, eighteen hundred and forty-two, and the several acts amendatory thereof, so far as they relate to the city of Albany." Passed May 21, 1877; three-fifths being present.
- CHAP. 306.** An act to amend chapter sixty-five of the laws of eighteen hundred and seventy-one, entitled "An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario." Passed May 21, 1877; three-fifths being present.
- CHAP. 307.** An act authorizing the trustees of the village of Saratoga Springs to make certain expenditures for the purpose of purchasing hose and erecting a fire alarm telegraph. Passed May 21, 1877; three-fifths being present.
- CHAP. 308.** An act to authorize the mayor and common council of the city of Buffalo to make an appropriation to reimburse claimants for advances made to construct building for Taylor Hose Company Number One of Buffalo. Passed May 21, 1877; three-fifths being present.
- CHAP. 309.** An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-seven. Passed May 22, 1877; three-fifths being present.
- CHAP. 310.** An act making an appropriation to pay certain awards made by the canal appraisers, and to pay counsel employed on behalf of the state, also reappropriating money to pay certificates of indebtedness, outstanding. Passed May 22, 1877; by a two-third vote.
- CHAP. 311.** An act in relation to corporations or joint-stock companies of other states territories, or dominion of Canada. Passed May 22, 1877.

- CHAP. 312.** An act in relation to the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons, and the superintendent of the state lunatic asylum for insane convicts at Auburn, and to fix the rate of interest to be paid on convict deposits. Passed May 22, 1877; three-fifths being present.
- CHAP. 313.** An act to authorize the town of Wilna, in the county of Jefferson, to reissue bonds to redeem and pay the bonds issued by said town in aid of the Utica and Black river railroad company, by virtue of chapter six hundred and twenty-four of the laws of eighteen hundred and sixty-six. Passed May 22, 1877; three-fifths being present.
- CHAP. 314.** An act to authorize the postponement of the levy of a tax to pay bonds issued by the city of Oswego, to facilitate the construction of the New York and Oswego Midland Railroad, not yet matured, and to authorize the issue of new bonds in place thereof. Passed May 22, 1877; three-fifths being present.
- CHAP. 315.** An act further to amend chapter three hundred and twenty of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act in relation to the rates of wharfrage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn." Passed May 22, 1877.
- CHAP. 316.** An act to amend chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers." Passed May 22, 1877; three-fifths being present.
- CHAP. 317.** An act in relation to arrears of taxes in the city of New York, and to provide for the reissuing of revenue bonds in anticipation of such taxes. Passed May 22, 1877; three-fifths being present.
- CHAP. 318.** An act to suspend the operation of parts of chapters four hundred and forty-eight and four hundred and forty-nine of the laws of eighteen hundred and seventy-six, to continue in force the laws superseded thereby, and to regulate proceedings in civil actions. Passed May 22, 1877.
- CHAP. 319.** An act making certified copies of records in the offices of the comptroller of the state of New York and the treasurer of the state of New York evidence in the courts of this state. Passed May 23, 1877.
- CHAP. 320.** An act relative to the bonded indebtedness of cities, villages, towns and counties. Passed May 23, 1877; three-fifths being present.
- CHAP. 321.** An act to amend chapter three hundred and forty-one of the laws of eighteen hundred and seventy-six, entitled "An act regulating the forfeiture of life insurance policies." Passed May 23, 1877.
- CHAP. 322.** An act to amend an act, entitled "An act respecting elections other than for militia and town officers," passed April fifth, eighteen hundred and forty-two," as amended by chapter six hundred and ninety-eight of the laws of eighteen hundred and seventy-two. Passed May 24, 1877; three-fifths being present.
- CHAP. 323.** An act for the relief of William McDonald, for materials supplied for the repairs of certain roads in the city of New York. Passed May 25, 1877; three-fifths being present.
- CHAP. 324.** An act transferring the interests of the people of the State of New York in the "National Antietam Cemetery," to the Government of the United States. Passed May 25, 1877; by a two-third vote.
- CHAP. 325.** An act to confirm and legalize the acts of William M. Summers as notary public of the county of Kings, since March thirty-first, eighteen hundred and seventy-seven. Passed May 25, 1877.
- CHAP. 326.** An act to release to Marian Carr and Adella E. Perry, the daughters and only heirs-at-law of Miles Perry, deceased, all the right, title and interest of the people of the state of New York in certain real estate in the town of Riga and county of Monroe. Passed May 25, 1877; by a two-third vote.
- CHAP. 327.** An act to release to Louisa Pecott, of Oswego city, New York, formerly Louisa Daigneau of the same place, the title and interest of the people of the state of New York in the real estate of which Joseph Daigneau, of Oswego, died possessed. Passed May 25, 1877; by a two-third vote.
- CHAP. 328.** An act to confirm, reduce and levy a certain assessment for improving part of Union street, in the city of Brooklyn. Passed May 25, 1877; three-fifths being present.

- CHAP. 329. An act to legalize and confirm the acts of J. Marshall Guion, a justice of the peace of the town of Seneca Falls, in the county of Seneca. Passed May 25, 1877; three-fifths being present.
- CHAP. 330. An act for the relief of Amelia Harvard and others, grandchildren of Mary Ann Harvard, deceased. Passed May 25, 1877; by a two-third vote.
- CHAP. 331. An act to legalize and confirm the titles of Edwin Carr and Maurice Nelan, to certain lands situate in Bethany, Genesee county, New York, which were heretofore conveyed to them by the superintendents of the poor of said county. Passed May 25, 1877; three-fifths being present.
- CHAP. 332. An act to legalize the official acts and proceedings of J. Henry Underhill, a justice of the peace of the town of Boston, in the county of Erie. Passed May 25, 1877; three-fifths being present.
- CHAP. 333. An act to release to Frederick W. Bell, of the city and county of Albany, the right, title and interest of the people of the state of New York, in the real estate of which Walter A. Bell, late of the city of Albany, died seized. Passed May 25, 1877; by a two-third vote.
- CHAP. 334. An act to release the interest of the people of the state of New York in certain real estate in the city of Utica and town of New Hartford, county of Oneida, to Mary Nock. Passed May 25, 1877; by a two-third vote.
- CHAP. 335. An act to release the interest of the people of the state of New York in certain real estate to Robert McKay and Agnes Sparks, situate in Batavia, Genesee county. Passed May 25, 1877; by a two-third vote.
- CHAP. 336. An act making appropriations for the erection of the New Capitol, the Buffalo State Asylum for the Insane, and the Hudson River State Hospital for the Insane. Passed May 25, 1877; three-fifths being present.
- CHAP. 337. An act to legalize and confirm the official acts of Warren Glidden, a justice of the peace in the town of Clarendon, Orleans county. Passed May 25, 1877; three-fifths being present.
- CHAP. 338. An act to legalize and confirm the acts of Truman C. White as notary public. Passed May 25, 1877.
- CHAP. 339. An act for the relief of Charles S. Beardsley, late a contractor in the state prison at Auburn. Passed May 25, 1877; three-fifths being present.
- CHAP. 340. An act for the relief of Charles R. Hoesslie and Caroline Hackett, adopted children of Jacob R. Hoesslie and Margaretha Hoesslie, deceased. Passed May 25, 1877; by a two-third vote.
- CHAP. 341. An act to provide ways and means for the support of government. Passed May 25, 1877; three-fifths being present.
- CHAP. 342. An act to release the interest of the people of the state of New York in certain real estate in the city of Brooklyn, county of Kings, to Ellen Allman, widow of Otto Allman. Passed May 28, 1877; by a two-third vote.
- CHAP. 343. An act to amend and supplementary to chapter two hundred and sixty-four of the laws of eighteen hundred and seventeen, entitled "An act to incorporate the members of the New York Institution for the Instruction of the Deaf and Dumb." Passed May 28, 1877.
- CHAP. 344. An act to authorize railroad corporations to pay commutation money for highway labor to the commissioners of highways of towns. Passed May 28, 1877; three-fifths being present.
- CHAP. 345. An act to amend chapter five hundred and eight of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Long Island Loan and Trust Company." Passed May 28, 1877; three-fifths being present.
- CHAP. 346. An act to amend chapter two hundred and sixty-nine of the laws of eighteen hundred and seventy-two, entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company." Passed May 28, 1877.
- CHAP. 347. An act extending the time for Maria Matilda Thompson to file her claim for damages with the canal appraisers. Passed May 28, 1877; three-fifths being present.
- CHAP. 348. An act to authorize the town of Webster, Monroe county, to issue bonds in payment of, or to take up bonds heretofore issued in aid of the Lake Ontario Shore Railroad. Passed May 28, 1877; three-fifths being present.

- CHAP. 349.** An act to provide for the payment of bonds issued by municipal corporations under the provisions of chapter nine hundred and seven, laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads," and the acts amendatory thereof. Passed May 28, 1877; three-fifths being present.
- CHAP. 350.** An act to amend chapter two hundred and seventy-two of the laws of eighteen hundred and sixty-four, entitled "An act to incorporate the trustees of the Masonic Hall and Asylum Fund," passed April twenty-first, eighteen hundred and sixty-four. Passed May 31, 1877.
- CHAP. 351.** An act further to extend the operation of the provisions of chapter two hundred and fourteen of the laws of eighteen hundred and fifty-nine, entitled "An act authorizing Jonathan Preston to establish and continue a ferry across Deering's harbor, from Greenport to Shelter Island," and to amend section three thereof. Passed June 1, 1877; three-fifths being present.
- CHAP. 352.** An act to legalize and confirm the official acts and proceedings of Ansel F. Conger, Jonathan W. Potter and Leander Stafford, as assessors of Gowanda Union Free School District. Passed June 1, 1877; three-fifths being present.
- CHAP. 353.** An act to confirm the official acts of Walter L. Livingston as surrogate of the county of Kings. Passed June 1, 1877; three-fifths being present.
- CHAP. 354.** An act to amend chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn and the various amendments thereof." Passed June 1, 1877; three-fifths being present.
- CHAP. 355.** An act to authorize the sale of lands for the non-payment of taxes and for the collection of unpaid taxes in the several towns of the county of Putnam. Passed June 1, 1877; three-fifths being present.
- CHAP. 356.** An act to amend chapter four hundred and forty-eight of the laws of eighteen hundred and sixty-five, entitled "An act to facilitate the construction of railroads and tram roads within the counties of Essex and Clinton, and to authorize the formation of companies therefor," and to extend the same to the counties of Columbia and Warren. Passed June 1, 1877; three-fifths being present.
- CHAP. 357.** An act to abolish the office of trustees of the town of Glenville, in the county of Schenectady, and to confer the powers now vested in the said trustees, in the supervisor of the said town of Glenville. Passed June 1, 1877; three-fifths being present.
- CHAP. 358.** An act to authorize the board of supervisors of the county of Steuben to determine that the Addison and Elkland Plankroad Company abandon its plankroad in that county, and to provide for the abandonment thereof. Passed June 1, 1877; three-fifths being present.
- CHAP. 359.** An act to authorize the commissioners of the land office to sell and convey lands in Clinton county. Passed June 1, 1877.
- CHAP. 360.** An act in relation to the maintenance of the chronic insane poor of the county of Clinton. Passed June 1, 1877; three-fifths being present.
- CHAP. 361.** An act relating to sales of lands for non-payment of taxes in the town of Jamaica, Queens county. Passed June 1, 1877; three-fifths being present.
- CHAP. 362.** An act to empower the board of supervisors of Suffolk county to appoint three commissioners to locate an inlet from the Atlantic ocean to the Shinnecock bay in said county. Passed June 1, 1877; three-fifths being present.
- CHAP. 363.** An act to authorize the Orange county asylum for the chronic insane, to receive patients or inmates from adjoining counties. Passed June 1, 1877; three-fifths being present.
- CHAP. 364.** An act in relation to the inspection of plankroads and turnpike roads in the county of Madison. Passed June 1, 1877; three-fifths being present.
- CHAP. 365.** An act authorizing and empowering the common council of the city of Rochester to construct a turn-table, or swing-bridge over the Erie canal, in Allen street, in the city of Rochester. Passed June 1, 1877; three-fifths being present.
- CHAP. 366.** An act to provide for the introduction of the "Stevenson traction system of towage" on the Erie canal. Passed June 1, 1877; three-fifths being present.

- CHAP. 367.** An act to amend section one of chapter one hundred and seventy-seven of the laws of eighteen hundred and fifty-five, entitled "An act authorizing the construction of a bridge or dam, or both, across the creek or a portion of Niagara river, which separates Tonawanda, or White's Island, from the main land." Passed June 1, 1877; three-fifths being present.
- CHAP. 368.** An act to provide for a deficiency in the appropriation for the ordinary repairs of the canals for the fiscal year ending September thirtieth, eighteen hundred and seventy-seven. Passed June 1, 1877; three-fifths being present.
- CHAP. 369.** An act to authorize the canal board to close the feeder of the Erie canal in Rochester. Passed June 1, 1877; three-fifths being present.
- CHAP. 370.** An act to provide for the repair of docking on the Chemung canal at Corning. Passed June 1, 1877; three-fifths being present.
- CHAP. 371.** An act to provide for the introduction of an improved system of steam towage upon the canals of the state. Passed June 1, 1877; three-fifths being present.
- CHAP. 372.** An act to authorize the Arctic Fire Insurance Company of New York to amend its charter and to extend its powers and privileges thereunder. Passed June 2, 1877.
- CHAP. 373.** An act to change the time for electing directors of the Hanover Fire Insurance Company. Passed June 2, 1877.
- CHAP. 374.** An act to amend chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend the act passed April twenty-seven, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend the act passed February seventeen, eighteen hundred and forty-eight,' entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April twentieth, eighteen hundred and seventy-one," and also to amend chapter nine hundred and sixty of the laws of eighteen hundred and sixty-seven, entitled "An act to authorize the consolidation of corporations organized under the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February seventeenth eighteen hundred and forty-eight, or any of the acts amending or extending the same." Passed June 2, 1877; three-fifths being present.
- CHAP. 375.** An act to confer certain powers and privileges upon the New York Academy of Medicine. Passed June 2, 1877; three-fifths being present.
- CHAP. 376.** An act in relation to "The American Board of Commissioners for Foreign Missions." Passed June 2, 1877.
- CHAP. 377.** An act to amend chapter two hundred and fifty-two of the laws of eighteen hundred and fifty-seven, entitled "An act to incorporate the Genesee Camp Ground Association." Passed June 2, 1877.
- CHAP. 378.** An act in relation to St. Joseph's Institution for the Improved Instruction of Deaf Mutes, at Fordham, in the county of Westchester. Passed June 2, 1877; three-fifths being present.
- CHAP. 379.** An act to amend section one of chapter three hundred and ninety-eight of the laws of eighteen hundred and sixty-six, entitled "An act to facilitate the construction of the New York and Oswego Midland Railroad, and to authorize towns to subscribe to the capital stock thereof," and to repeal chapter one hundred and forty-three of the laws of eighteen hundred and seventy-six. Passed June 2, 1877; three-fifths being present.
- CHAP. 380.** An act to amend chapter three hundred and sixty-eight of the laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes." Passed June 2, 1877; three-fifths being present.
- CHAP. 381.** An act to amend chapter eight hundred and ninety-six of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the Crescent Company, and to extend the time within which the corporation thereby created may commence its operation. Passed June 2, 1877; three-fifths being present.
- CHAP. 382.** An act empowering the railroad commissioners of the town of Ithaca, Tompkins county, to issue bonds bearing interest, not exceeding six per cent, to take up bonds heretofore issued by said town in aid of the construction of the Ithaca and Athens railroad. Passed June 2, 1877; three-fifths being present.

- CHAP. 383.** An act to amend chapter five hundred and seventy-one of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the Brooklyn Trust Company." Passed June 2, 1877.
- CHAP. 384.** An act to amend chapter three hundred and thirty of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the Butchers' Hide and Melting Association of the city of New York." Passed June 2, 1877.
- CHAP. 385.** An act to authorize the Ogdensburgh and Lake Champlain Railroad Company to issue preferred stock. Passed June 2, 1877.
- CHAP. 386.** An act to extend the time for the organization of the "American Loan Company," and the commencement of its business. Passed June 2, 1877.
- CHAP. 387.** An act to further amend chapter one hundred and fifty of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the city of Kingston." Passed June 2, 1877; three-fifths being present.
- CHAP. 388.** An act to vacate and cancel certain awards for closing part of Main street in the city of Yonkers, and to authorize the common council of said city to close and discontinue certain parts of said street, without payment of awards heretofore made for the discontinuance of the public use thereof. Passed June 2, 1877; three-fifths being present.
- CHAP. 389.** An act to authorize the board of education of the city of Poughkeepsie to appoint a superintendent of public schools and fix his compensation. Passed June 2, 1877; three-fifths being present.
- CHAP. 390.** An act to amend chapter two hundred and ninety-one of the laws of eighteen hundred and sixty-seven, amended by chapter fifty-three, of the laws of eighteen hundred and seventy, entitled "An act to incorporate the city of Binghamton." Passed June 2, 1877; three-fifths being present.
- CHAP. 391.** An act to amend section nine of title two of the revised charter of the city of Buffalo. Passed June 2, 1877; three-fifths being present.
- CHAP. 392.** An act to amend* five hundred and nineteen of the laws of eighteen hundred and seventy, entitled "An act to revise the charter of the city of Buffalo." Passed June 2, 1877; three-fifths being present.
- CHAP. 393.** An act to amend titles six and nine of an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eight, eighteen hundred and seventy. Passed June 2, 1877; three-fifths being present.
- CHAP. 394.** An act to amend an act entitled an act "To revise the charter of the city of Buffalo," passed April twenty-eight, eighteen hundred and seventy. Passed June 2, 1877; three-fifths being present.
- CHAP. 395.** An act to amend section sixteen of title seven of an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eighth, eighteen hundred and seventy, in relation to the payment of orders drawn upon local funds. Passed June 2, 1877; three-fifths being present.
- CHAP. 396.** An act to amend chapter nine hundred and twelve of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Cohoes," passed May nineteenth, eighteen hundred and sixty-nine, and the act amending the same, passed March fourth, eighteen hundred and seventy-two. Passed June 2, 1877; three-fifths being present.
- CHAP. 397.** An act to authorize the common council of the city of Lockport to raise by tax and disburse money in altering, improving and repairing Protection Hook and Ladder Company Number One hook and ladder house of said city of Lockport. Passed June 2, 1877; three-fifths being present.
- CHAP. 398.** An act to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-two, entitled "An act relative to the setting of fykes and other nets in Harlem and East rivers." Passed June 2, 1877; three-fifths being present.
- CHAP. 399.** An act to authorize the city of Newburgh to borrow money and issue bonds therefor, for the payment of certain water bonds of said city heretofore issued, and to provide for the payment thereof. Passed June 2, 1877; three-fifths being present.
- CHAP. 400.** An act to provide for the reincorporation of St. Joseph's church, in the city of Rome. Passed June 2, 1877.

*So in the original.

- CHAP. 401.** An act to amend chapter seven hundred and sixty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the constitution." Passed June 4, 1877; three-fifths being present.
- CHAP. 402.** An act to amend chapter one hundred and thirty-nine of the laws of eighteen hundred and seventy, entitled "An act to annex parts of the towns of Bethlehem and Watervliet, in the county of Albany, to the city of Albany, and to exempt such parts thereof from certain taxes, and to annex a part of the city of Albany to the town of Watervliet." Passed June 4, 1877; three-fifths being present.
- CHAP. 403.** An act to authorize the towns of Mentz and Montezuma, in the county of Cayuga, to cancel and surrender stock held by them in the Cayuga Northern Railroad. Passed June 4, 1877; three-fifths being present.
- CHAP. 404.** An act to provide for the disposition and sale of certain lateral canals of this state, and the lands, rights and other property connected therewith. Passed June 4, 1877; by a two-third vote.
- CHAP. 405.** An act to amend the charter of the village of Edgewater.* Passed June 4, 1877; three-fifths being present.
- CHAP. 406.** An act in relation to the floating debt of the village of Edgewater. Passed June 4, 1877; three-fifths being present.
- CHAP. 407.** An act providing for the use of a portion of Washington square at Stapleton, in the village of Edgewater, town of Middletown and county of Richmond, as a site for a county court-house. Passed June 4, 1877; three-fifths being present.
- CHAP. 408.** An act to authorize the board of water commissioners of the village of Middletown to grant permits for the taking of ice from Mounhagen reservoir. Passed June 4, 1877; three-fifths being present.
- CHAP. 409.** An act to authorize the trustees of the corporation of the village of Portageville, county of Wyoming, to cause an assessment to be made of the taxable property of said corporation, and to be levied and collected a tax sufficient to pay the indebtedness of said corporation. Passed June 4, 1877; three-fifths being present.
- CHAP. 410.** An act to amend section fifty-three of chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof." Passed June 4, 1877; three-fifths being present.
- CHAP. 411.** An act to further amend chapter seven hundred and twenty-one of the laws of eighteen hundred and seventy-one, entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish." Passed June 5, 1877; three-fifths being present.
- CHAP. 412.** An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor. Passed June 5, 1877; three-fifths being present.
- CHAP. 413.** An act to prevent frequent changes of text-books in schools. Passed June 5, 1877; three-fifths being present.
- CHAP. 414.** An act to repeal section two of chapter four hundred and eighty-seven of the laws of one thousand eight hundred and seventy-five, entitled "An act to alter the commissioners' map of the city of Brooklyn, and for other purposes," passed June fifth, one thousand eight hundred and seventy-five. Passed June 5, 1877; three-fifths being present.
- CHAP. 415.** An act for the protection of dairymen, and to prevent deception in sales of butter. Passed June 5, 1877.
- CHAP. 416.** An act to amend chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice and civil proceedings," and to provide for the publication of the act as amended. Passed June 5, 1877; three-fifths being present.
- CHAP. 417.** An act to repeal certain acts and parts of acts. Passed June 5, 1877.
- CHAP. 418.** An act to provide for paying for services and materials furnished in caring for and burying certain members of the national guard killed and wounded in the public service. Passed June 5, 1877; three-fifths being present.

* So in the original.

- CHAP. 419.** An act authorizing licenses to keep taverns without including a license to sell spirituous or intoxicating liquors. Passed June 5, 1877; three-fifths being present.
- CHAP. 420.** An act to amend chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors." Passed June 5, 1877; three-fifths being present.
- CHAP. 421.** An act supplemental to an act entitled "An act to further amend chapter seven hundred and twenty-one of the laws of eighteen hundred and seventy-one, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish.'" Passed June 6, 1877; three-fifths being present.
- CHAP. 422.** An act to further amend chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice and civil proceedings." Passed June 6, 1877.
- CHAP. 423.** An act to amend chapter three hundred and sixty-six of the laws of eighteen hundred fifty-nine, entitled "An act to establish an insurance department." Passed June 6, 1877; three-fifths being present.
- CHAP. 424.** An act in relation to the appointment of a state agent for the guidance and employment of discharged convicts. Passed June 6, 1877; three-fifths being present.
- CHAP. 425.** An act in regard to the instruction of common school teachers in academies and union schools, and to the establishing of examinations by the regents of the university as to attainments in learning. Passed June 6, 1877; three-fifths being present.
- CHAP. 426.** An act to amend chapter four hundred and two of the laws of eighteen hundred and sixty-eight, entitled "An act to authorize the trustees of incorporated rural cemeteries to impose a tax upon the lot owners in said cemeteries." Passed June 6, 1877; three-fifths being present.
- CHAP. 427.** An act for the preservation of life at bathing places. Passed June 6, 1877.
- CHAP. 428.** An act for the protection of children, and to prevent and punish certain wrongs to children. Passed June 6, 1877; three-fifths being present.
- CHAP. 429.** An act making a gratuity to the survivors of certain Shinnecock Indians, who were lost upon the wreck of the steamer "Circassian." Passed June 6, 1878; by a two-third vote.
- CHAP. 430.** An act to amend the provisions of the revised statutes in regard to the solemnization of marriages. Passed June 6, 1877.
- CHAP. 431.** An act to amend section four of title three of chapter four hundred and seventy-nine of the laws of eighteen hundred and sixty-seven, as amended by subdivision four of section one of chapter twenty-four of the laws of eighteen hundred and seventy, entitled "An act to amend the charter of the village of Dunkirk." Passed June 6, 1877; three-fifths being present.
- CHAP. 432.** An act to amend an act entitled "An act to amend an act entitled 'An act to incorporate the village of Chateaugay, in the county of Franklin,'" passed May third, eighteen hundred and sixty-nine, passed April twenty-seventh, eighteen hundred and seventy. Passed June 6, 1877; three-fifths being present.
- CHAP. 433.** An act to validate and confirm the title to certain real estate in the city of New York. Passed June 16, 1877; three-fifths being present.
- CHAP. 434.** An act to amend chapter one hundred and eighty-four of the law of eighteen hundred and sixty-six, entitled "An act for the better protection of seamen in the port and harbor of New York." Passed June 8, 1877; three-fifths being present.
- CHAP. 435.** An act in relation to the payment of taxes and assessments in the city of Brooklyn. Passed June 8, 1877; three-fifths being present.
- CHAP. 436.** An act in relation to county treasurers. Passed June 9, 1877; three-fifths being present.
- CHAP. 437.** An act to amend chapter seven hundred and seventy-six of the laws of eighteen hundred and seventy, entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,'" passed December seven, one thousand eight hundred and forty-seven, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village, passed May ten, eighteen hundred and seventy. Passed June 9, 1877; three-fifths being present.

- CHAP. 438.** An act to create a police pension fund for disabled and retired policemen in the city of Brooklyn. Passed June 15, 1877; three-fifths being present.
- CHAP. 439.** An act in relation to the insurance of plate-glass. Passed June 15, 1877.
- CHAP. 440.** An act to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled an act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes. Passed June 15, 1877; three-fifths being present.
- CHAP. 441.** An act to authorize the board of education of union free school district number one of the town of Ellicott, Chautauqua county, to employ a superintendent, and fix the time of holding their annual school meeting. Passed June 15, 1877; three-fifths being present.
- CHAP. 442.** An act to authorize a recovery at law for certain printing done for, and stationery furnished to, the boards of aldermen and assistant aldermen in the city of New York. Passed June 15, 1877; three-fifths being present.
- CHAP. 443.** An act to confirm and levy a certain assessment for excavating, filling and forming Swan street from Elm street to Morton street in the city of Albany, and conferring upon the mayor, and a majority of the common council of said city power to reduce the said assessment fifty per cent. Passed June 15, 1877; three-fifths being present.
- CHAP. 444.** An act to repeal an act entitled "An act to alter the map or plan of the city of New York by laying out thereon a parade ground, and to authorize the taking of the same," passed April twentieth, eighteen hundred and seventy-one, and to provide for the payment of compensation for loss and damage to certain owners of land affected by said act. Passed June 15, 1877; three-fifths being present.
- CHAP. 445.** An act to provide for perfecting and perpetuating the right and title of the city of New York to property, water, water rights and privileges heretofore taken or used, or which may be hereafter taken or used by said city to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using. Passed June 15, 1877; three-fifths being present.
- CHAP. 446.** An act to amend chapter six hundred and eleven of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of West Mount Vernon, county of Westchester." Passed June 15, 1877; three-fifths being present.
- CHAP. 447.** An act to establish the boundaries of school district number five of the town of Flushing, and to provide for the collection of school taxes therein, and conferring additional powers and duties upon the board of education of said district. Passed June 15, 1877; three-fifths being present.
- CHAP. 448.** An act to amend chapter three hundred and five of the laws of eighteen hundred and fifty-seven, entitled "An act to consolidate school districts number six and number fifteen, in the town of Mentz, in the county of Cayuga, into one school district, and to provide for the organization of a school and academy therein, and to enable the said district to loan money to erect the necessary buildings therefor." Passed June 15, 1877; three-fifths being present.
- CHAP. 449.** An act to legalize and confirm the proceedings of the common council of the city of Buffalo, in relation to certain streets. Passed June 15, 1877; three-fifths being present.
- CHAP. 450.** An act to amend chapter one hundred and seventy-seven of the laws of eighteen hundred and seventy-two, entitled "An act in relation to the establishment and care of a cemetery in the village of Geneva, Ontario county, and to provide means for the same." Passed June 15, 1877; three-fifths being present.
- CHAP. 451.** An act for the more effectual prevention of wanton and malicious mischief, and to prevent the defacement of natural scenery. Passed June 15, 1877; three-fifths being present.
- CHAP. 452.** An act to authorize St. Joseph's Church in the city of Yonkers to acquire land and use the same for cemetery or burial purposes. Passed June 16, 1877; three-fifths being present.
- CHAP. 453.** An act to amend chapter four hundred and four of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Oswegatchie Bridge Company." Passed June 16, 1877; three-fifths being present.

- CHAP. 454.** An act in relation to the change of grades of streets and avenues in the twenty-third and twenty-fourth wards of the city of New York. Passed June 16, 1877; three-fifths being present.
- CHAP. 455.** An act to provide for widening Vernon avenue, from Third street to Jackson avenue, in the first ward of Long Island City. Passed June 16, 1877; three-fifths being present.
- CHAP. 456.** An act to amend section seventy-four of title six, chapter six, part two of the revised statutes relative to the application for moneys paid into the state treasury by administrators. Passed June 16, 1877.
- CHAP. 457.** An act in relation to the repaving and improvement of Fourth street from Division avenue to Grand street, in the city of Brooklyn. Passed June 16, 1877; three-fifths being present.
- CHAP. 458.** An act to enable the city of Brooklyn to raise further means for the improvement and sale of certain portions of Prospect park in said city. Passed June 16, 1877; three-fifths being present.
- CHAP. 459.** An act in relation to the salaries, fees, percentages and allowances of the officers of the city of Brooklyn. Passed June 16, 1877; three-fifths being present.
- CHAP. 460.** An act to provide for the payment of certain sewers built in the city of Brooklyn. Passed June 16, 1877; three-fifths being present.
- CHAP. 461.** An act to confer the powers of harbor master on the police patrolmen detailed to certain docks and piers in said city by the board of commissioners of police and excise of the city of Brooklyn. Passed June 16, 1877; three-fifths being present.
- CHAP. 462.** An act to dispose of the surplus moneys in the hands of the commissioners for grading Franklin avenue, in the towns of Flatbush and New Utrecht. Passed June 16, 1877; three-fifths being present.
- CHAP. 463.** An act to amend an act, entitled "An act to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada Railroad Company, and to issue other bonds in place thereof," passed May thirteen, eighteen hundred and seventy-six. Passed June 16, 1877; three-fifths being present.
- CHAP. 464.** An act to authorize the city of Rochester to acquire the title to land or other property for the use and purposes of water-works, sewers, dumping rubbish and dirt. Passed June 16, 1877; three-fifths being present.
- CHAP. 465.** An act to amend the revised statutes in relation to the laying out of public roads and the alteration thereof. Passed June 16, 1877; three-fifths being present.
- CHAP. 466.** An act in relation to assignments of the estates of debtors for the benefit of creditors. Passed June 16, 1877; three-fifths being present.
- CHAP. 467.** An act to repeal section fifty-one, of chapter five hundred and five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the village of Gloversville." Passed June 16, 1877; three-fifths being present.
- CHAP. 468.** An act to discontinue the Charlotte turnpike and to authorize the Charlotte turnpike company to maintain a toll-bridge across the Susquehanna river. Passed June 16, 1877.
- CHAP. 469.** An act to amend chapter sixty-eight of the laws of eighteen hundred and seventy-one, entitled "An act for the incorporation of private and family cemeteries." Passed June 16, 1877; three-fifths being present.
- CHAP. 470.** An act to amend chapter eight hundred and forty-nine, of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Buffalo Catholic Institute." Passed June 16, 1877; three-fifths being present.
- CHAP. 471.** An act to provide for the appointment of patrolmen in and for the first collection district of the town of Watervliet, county of Albany. Passed June 16, 1877; three-fifths being present.
- CHAP. 472.** An act to authorize the trustees of incorporated rural cemeteries to register the lots thereof, and to impose a tax upon the lot owners in said cemeteries, in the counties of Kings and Queens. Passed June 16, 1877; three-fifths being present.
- CHAP. 473.** An act to provide for the determination and payment of claims for goods, merchandise and material furnished, and labor performed, in fitting up and furnishing armories and drill-rooms in the city of New York. Passed June 22, 1877; three-fifths being present.

CHAP. 474. An act to provide for the collection of the unpaid assessments for the opening, regulating and grading of Franklin avenue in the towns of Flatbush and New Utrecht. Passed June 22, 1877; three-fifths being present.

CHAP. 475. An act to grant to the city of Yonkers, for highway purposes, certain land below original high-water mark in the Hudson river, and to authorize the building of a bridge over the tracks of the New York Central and Hudson River railroad upon such land. Passed June 22, 1877; three-fifths being present.

CONCURRENT RESOLUTIONS:

Relative to printing the report of the State Engineer and Surveyor on Railroads, for eighteen hundred and seventy-six. Passed April 10, 1877.

Relative to the reduction of canal tolls. Passed May 4, 1877.

In reference to a soldiers' home for the State of New York. Passed May 8, 1877.

Relative to the abolition of tolls or in the imposition of a nominal rate of tolls on certain articles and commodities. Passed May 8, 1877.

Relative to repeal of bankrupt laws. Passed May 15, 1877.

Relative to printing the census. Passed May 16, 1877.

PROPOSING AN AMENDMENT *to the Constitution to be known as article seventeen thereof.* Passed May 18, 1877.

Relative to canal tolls on rived hoops. Passed May 20, 1877.

PROPOSING AN AMENDMENT *to article three of the Constitution.* Passed May 22, 1877.

PROPOSING AN AMENDMENT *to article two of the Constitution.* Passed May 22, 1877.

PROPOSING AN AMENDMENT *to section six of article six of the Constitution.* Passed May 22, 1877.

GENERAL STATUTES

OF THE

STATE OF NEW YORK,

PASSED AT THE

100th SESSION, 1877.

CHAP. 10.

AN ACT to amend chapter six hundred and thirteen of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the formation of corporations for the safe-keeping and guaranteeing of personal property."

PASSED February 5, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter six hundred and thirteen of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the formation of corporations for the safe-keeping and guaranteeing of personal property," is hereby amended so as to read as follows:

§ 1. At any time hereafter, any five or more persons who may desire to form a company for the purpose of taking and receiving upon deposit, as bailee for safe-keeping and storage, jewelry, plate, money, specie, bullion, stocks, bonds, securities and valuable papers of any kind, and other valuables, and guaranteeing their safety upon such terms and for such compensation as may be agreed on by such company and the respective bailors thereof, and to let out vaults and safes and other receptacles for the uses and purposes of such corporation, may make, sign and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the business of the corporation shall be carried on, and duplicates thereof in the office of the secretary of state, and in the banking department of the state, a certificate in writing, in which shall be stated the corporate name of the said corporation, which shall be in no material respect similar to the name of any other corporation organized and engaged in the business of receiving valuables on deposit for safe-keeping, for hire, or of letting out safes, and doing busi-

Amending
Laws 1875,
ch. 613;
ante, p. 232.

Certificate
of incorpo-
ration.

ness in the same or an adjoining county; the objects, for which the corporation shall be formed; the amount of the capital stock of the said corporation (which shall not exceed one million dollars, nor be less than one hundred thousand dollars, except in cities and villages of less than one hundred thousand inhabitants, in which the capital stock may be not less than fifty thousand dollars); the term of its existence not to exceed fifty years; the number of shares of which the said stock shall consist; the number of trustees and their names, residence, occupation and post-office address, who shall manage the concerns of the said corporation for the first year, and the name of the place in which the operations of the said corporation are to be carried on. No company organized under this act shall be authorized to commence or transact business until the whole amount of the capital stock shall have been paid in. But the capital stock of any corporation organized under this act may be increased to an amount not to exceed one million dollars by the board of trustees on application in writing, signed by the stockholders representing a majority of the stock. A statement of such increase shall be filed in the offices aforesaid.

§ 2. This act shall take effect immediately.

As to the power of National bank to receive deposits for safe-keeping, see *First National Bank v. Ocean National Bank*, 60 N. Y. 181; *Wiley v. First National Bank*, 47 Vt. 546; S. C., 19 Am. Rep. 122; *First National Bank v. Graham*, 29 P. F. Smith, 106; *Whitney v. Bank*, 18 Alb. L. J. 471.

CHAP. 11.

County judges.

AN ACT to extend the powers of county judges while in counties other than their own for the purpose of holding courts therein.

PASSED February 6, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Powers and duties in other counties.

SECTION 1. During the period that any county judge shall be in a county other than his own, for the purpose of holding courts therein, he may exercise all the powers and perform all the duties of the county judge of such other county, which said last-mentioned judge is by law authorized to exercise and perform out of court or in vacation; provided, however, that nothing herein contained shall empower him to perform the duties of surrogate in such other county.

§ 2. This act shall take effect immediately.

9 Edm. 473.

Compensation for holding court out of county, Laws 1872, ch. 767, § 5.

CHAP. 16.

Villages.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED February 13, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending Laws 1870, ch. 291. 7 Edm. 689.

SECTION 1. Subdivision twenty-three of section three of title three of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

Powers of trustees to regulate use of inflammable materials.

23. To regulate the use of candles, kerosene or burning materials of any kind, or lights or fires in barns and stables, and other places liable to take fire, and to control the construction of buildings, as to material, and prescribe the limits within which wooden buildings shall not be

built, and prescribe the penalty not exceeding one thousand dollars, for a violation of any ordinance passed relating thereto.

§ 2. This act shall take effect immediately.

See 7 Edm. Stat. at Large, 689. As to fire limits and building materials, *City of Troy v. Winters*, 4 T. & C. 256; S. C., 2 Hun. 63; *Mayor of Hudson v. Thorne*, 7 Paige, 281; 1 Dill. Mun. Corp., § 338. Act is constitutional, *Respublica v. Duquet*, 2 Yeates (Pa.), 493. Removing wooden building into the fire limits is within statute, *Wadleigh v. Gilman*, 12 Me. 403. Difference between "erecting" and "repairing," *Brady v. Ins. Co.*, 11 Mich. 425; 449; *Brown v. Humm*, 21 Conn. 332; *Stewart v. Com.*, 10 Watts, 307. Remedy against wrong-doer by private action, *Aldrich v. Howard*, 7 R. I. 199. Action against city for permitting buildings within fire limits, *Forsyth v. Mayor*, 12 Am. Rep. 576.

CHAP. 24.

AN ACT in relation to the Superintendent of State Prisons.

PASSED February 17, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Superintendent of State Prisons shall receive an annual salary of six thousand dollars, payable quarterly by the Treasurer, on the warrant of the Comptroller, and in addition thereto all reasonable and necessary traveling expenses by him actually incurred and paid in the discharge of his official duties, not exceeding the sum of one thousand dollars per annum, and a further sum of one thousand dollars per annum, or so much thereof as may be necessary for clerk hire, of all of which expenses he shall keep an account by items, and verify the same by his oath, to be filed with the Comptroller.

§ 2. Within ten days from the time of notice of his appointment the Superintendent shall take and subscribe the oath of office prescribed by the Constitution, and file the same in the office of the Secretary of State, and shall be in all respects subject to the provisions of the sixth title of chapter five of the first part of the revised statutes, as far as the same may be applicable, and within such ten days he shall give to the People of the State of New York a bond in the penal sum of twenty-five thousand dollars, with two good sureties, to be approved by the Comptroller, conditioned for the faithful discharge of the duties of his office.

§ 3. No appointment shall be made in any of the prisons of this State on grounds of political partisanship; but honesty, capacity and adaptation shall constitute the rule for appointments, and any violation of this rule shall be sufficient cause for removal from office of the Superintendent.

§ 4. This act shall take effect immediately.

CHAP. 27.

AN ACT establishing the salary of the deputy comptroller and making appropriations for certain expenses of the government, and supplying deficiencies in former appropriations, for the fiscal year ending September thirtieth, eighteen hundred and seventy-seven.

PASSED February 26, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer shall pay, on the warrant of the comptroller, from the general fund, the several sums hereinafter named, which are hereby appropriated to the objects and persons indicated in this act, or such parts thereof

Comptroller to audit and allow claims, etc.

Salary of deputy comptroller.

Office of second deputy comptroller abolished.

Wasson, John T. heirs of.

Capitol.

State hall.

State library.

Office of superintendent of public instruction.

Office of state engineer and surveyor.

Office of comptroller. Commissioners for building roads. Presidential electors. Convicts, maintenance of, at penitentiaries.

Sheriffs, for transporting convicts to State Reformatory, Elmira. Sing Sing prison, laundry.

as shall be sufficient to accomplish in full the purposes designed by the appropriations; but no warrant shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same, and to require detailed statements, in items, verified by affidavit.

The salary of the deputy comptroller is hereby fixed at three thousand five hundred dollars per annum, from the first day of December, eighteen hundred and seventy-six, and the sum of one thousand two hundred and fifty dollars is hereby appropriated to supply deficiency in said salary to September thirty, eighteen hundred and seventy-seven, and the balance of appropriation, per chapter one hundred and ninety-two, laws of eighteen hundred and seventy-six, for the salary of the second deputy comptroller, amounting to two thousand nine hundred and sixteen dollars and sixty-eight cents is hereby re-appropriated for the general expense of the government, and the office of second deputy comptroller is hereby abolished.

The comptroller is hereby authorized to pay six hundred dollars, being interest at six per cent on ten thousand dollars due the widow and heirs-at-law of the late John T. Wasson, upon a certificate issued under chapter eight hundred and thirty, laws of eighteen hundred and sixty-eight, to October first, eighteen hundred and seventy-seven, payable semi-annually.

For repairs, cleaning, labor, gas and other necessary expenses of the capitol, twelve thousand dollars.

For repairs, cleaning, labor, gas and other necessary expenses of the state hall, three thousand dollars.

For repairs, cleaning, labor, gas, transportation of books and other necessary expenses of the state library, eight hundred dollars.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the superintendent of public instruction, one thousand five hundred dollars.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the state engineer and surveyor, three hundred dollars.

For furniture, books, binding, blank, printing and other necessary expenses of the office of comptroller, five hundred dollars.

For payment to commissioners of money received into the treasury for taxes on lands of non-residents appropriated to the construction of roads, ten thousand dollars.

For the electors of president and vice-president and for special messengers for compensation, three thousand dollars.

For the maintenance of convicts sentenced to penitentiaries, in pursuance of chapter one hundred and fifty-eight, laws of eighteen hundred and fifty-six, chapter five hundred and eighty-four, laws of eighteen hundred and sixty-five, chapter six hundred and sixty-seven, laws of eighteen hundred and sixty-six, chapter five hundred and seventy-four, laws of eighteen hundred and sixty-nine, chapter two hundred and forty seven, laws of eighteen hundred and seventy-four, and chapter five hundred and seventy-one, laws of eighteen hundred and seventy-five, seven thousand dollars.

The comptroller is hereby authorized to pay to sheriffs mileage and the actual expenses incurred by him* for maintenance, for the transportation for convicts to the State Reformatory at Elmira, and such reasonable compensation for these services as the comptroller shall deem just and equitable.

For the support of the laundry establishment at Sing Sing prison the sum of seven thousand five hundred dollars, for the current fiscal year, ending September thirtieth, eighteen hundred and seventy-seven, as authorized by chapter four hundred and fifty-eight, laws of eighteen hundred and sixty-six, and the earnings from this source shall be accounted for and deposited in the same manner as other prison earnings.

§ 2. This act shall take effect immediately.

* So in the original.

CHAP. 28.

AN ACT to amend section twenty-nine of article third, chapter sixth, title sixth, of part first of the revised statutes, relating to the compensation of electors of president and vice-president of the United States.

Presiden-
tial elec-
tions.

PASSED March 1, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-nine of article third, chapter sixth, title sixth of part first of the revised statutes is hereby amended so as to read as follows:

Amending
1 R. S. 144.
1 Edm. 144.

§ 29. Every elector of the state for the election of a president and vice-president of the United States, who shall attend at any election of those officers and give his vote at the time and place appointed by law, shall be entitled to receive for his attendance at such election, the sum of fifteen dollars per day, together with ten cents per mile, each way, from his place of residence, by the most usual traveled route, to the place of the meeting of said electors, to be audited by the comptroller upon the certificate of the secretary of state, and paid by the treasurer.

Compensation of
electors.

Comptroller to
audit account.

CHAP. 31.

AN ACT to amend chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations."

Rural
cemetaries

PASSED March 3, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations," is hereby amended so as to read as follows:

Laws 1847,
ch. 123,
amended.
3 Edm. 748.

§ 10. The cemetery lands and property of any association formed pursuant to this act, and any property held in trust by it for any of the purposes mentioned in section nine of this act, shall be exempt from all public taxes, rates and assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from any individual proprietor. But the proprietors of lots or plots in such cemeteries, their heirs or devisees, may hold the same exempt therefrom, so long as the same shall remain dedicated to the purposes of a cemetery, and during that time no street, road, avenue or thoroughfare shall be laid out through such cemetery, or any part of the lands held by such association for the purposes aforesaid, without the con-

Exemption of
property,
etc.

Individual
rights.

Streets,
roads and
avenues
through.

sent of the trustees of such association, except by special permission of the legislature of the State.

See 3 Edm. Stat. at Large, 748; *Buffalo City Cemetery v. Buffalo*, 46 N. Y. 503. The above section does not exempt from assessments for local improvements. *Same v. Same*, id. 508. That cemeteries will not be sold to satisfy liens for local improvements. *Louisville v. Nevin*, 10 Bush, 649; 19 Am. Rep. 78.

As to foreclosure of mortgage given by lot owner, *Lauts v. Buckingham*, 11 Abb. (N. S.) 64; 4 Lans. 484.

Equity will restrain invasion of cemeteries, *ex. gr.*, by highway officers. *Trustees v. Walsh*, 57 Ill. 368; 11 Am. Rep. 21. See L. 1879, ch. 310, *post*, p. 763.

CHAP. 33.

Public in-
struction.

AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

PASSED March 3, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1864,
ch. 555.
6 Edm. 344.

SECTION 1. Section eighty-four, article seven, title seven, of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows

Collector
of taxes to
give
certain
notices.

§ 84. The collector, on the receipt of a warrant for the collection of taxes, shall give notice to the tax-payers of the district, by publicly posting written or printed, or partly written and partly printed, notices in at least three public places in such district, one of which shall be on the outside of the front door of the school-house, stating that he has received such warrant and will receive all such taxes as may be voluntarily paid to him, within two weeks from the time of posting said notice. Such collector shall also give a like notice, either personally or by mail, at least ten days previous to the expiration of the two weeks aforesaid, to the ticket agent at the nearest station of any railroad corporation assessed for taxes, upon the tax list delivered to him with the aforesaid warrant, and no school collector shall be entitled to recover from any railroad corporation more than one per cent fees on the taxes assessed against such corporations, unless notice shall have been given as aforesaid, and in case the whole amount of taxes shall not be so paid in, the collector shall forthwith proceed to collect the same. He shall receive for his services on all sums paid in as aforesaid, one per cent, and upon all sums collected by him after the expiration of the time mentioned, five per cent, except as hereinbefore provided, and in case a levy and sale shall be necessarily made by such collector, he shall be entitled to traveling fees, at the rate of ten cents per mile, to be computed from the school-house in such district.

Fees.

§ 2. This act shall take effect immediately.

CHAP. 35.

AN ACT to amend chapter seven hundred and sixty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to establish the compensation of county judges and surrogates pursuant to the fifteenth section of the amended sixth article of the constitution."

County
judges and
surrogates.

PASSED March 6, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter seven hundred and sixty-seven, of the laws of eighteen hundred and seventy-two, entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the constitution," is hereby amended so as to read as follows:

Amending
Laws of
1872, sec. 3,
chap. 76,
§ Edm. 473.

§ 3. The salaries of the county judges, who perform the duties of the office of surrogate, are hereby fixed in the counties named and at the sums stated as follows:

Salaries of
county
judges and
surro-
gates.

In the counties of Warren, Franklin, Schenectady, Wayne, Rockland, Lewis and Delaware, two thousand dollars each.

Warren
and other
counties
\$2,000.

In the counties of Chenango, Madison, Greene, Herkimer, Livingston, Montgomery, Chemung and Broome, three thousand dollars each.

Chenango
and others
\$3,000.

In the counties of Steuben and Richmond, three thousand five hundred dollars each.

Steuben
and others
\$3,500.

In the counties of Schoharie, Cortland, Sullivan, Genesee, Essex, Orleans, Tioga, Tompkins, Wyoming and Suffolk, two thousand five hundred dollars each.

Schoharie
and others
\$2,500.

In the counties of Putnam, Yates and Schuyler, one thousand five hundred dollars each.

Putnam
and others
\$1,500.

In the county of Seneca one thousand dollars.

Seneca
\$1,000.

In the county of Allegany, two thousand seven hundred and fifty dollars.

Allegany
\$2,750.

In the county of Fulton, two thousand two hundred and fifty dollars.

Fulton
\$2,250.

In the county of Hamilton, eight hundred dollars.

Hamilton
\$800.

Whenever in any county where there is now a separate county judge and surrogate, the supervisors shall decide to have but one officer to act as county judge and surrogate, the salary of such officer shall be five hundred dollars less than the aggregate salary herein allowed to the county judge and surrogate of such county.

Provision
for coun-
ties where
offices are
separate.

§ 2. This act shall take effect on the first day of January, eighteen hundred and seventy-eight.

Ch. 401, *post*, p. 427, also amends § 3 of the act of 1872, but as the above act went into effect at a later date, it is to be considered as the one now in force. See *Beckwith v. Whalen*, 65 N. Y. 323.

CHAP. 65.

AN ACT to regulate the execution and transfer of negotiable instruments given for patent rights.

PASSED March 28, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Negotiable
instru-
ments
given for
patent
right.

SECTION 1. Whenever any promissory note or other negotiable instrument shall be given, the consideration of which shall consist in whole or in part of the right to make, use or vend any patent invention or inventions, claimed or represented by the vendor at the time of sale to be patented, the words "given for a patent right," shall be prominently and legibly written or printed on the face of such note or instrument above the signature thereto; and such note or instrument in the hands of any purchaser or holder shall be subject to the same defenses as in the hands of the original owner or holder.

Punish-
ment for
disobey-
ing.

§ 2. If any person shall take, sell or transfer any promissory note or other negotiable instrument not having the words "given for a patent right," written or printed legibly and prominently on the face of such note or instrument, above the signature thereto, knowing the consideration of such note or instrument to consist in whole or in part of the right to make, use or vend any patent invention or inventions, claimed as aforesaid to be patented, every such person or persons shall be deemed guilty of a misdemeanor.

Limita-
tion.

§ 3. This act shall not apply to a promissory note given solely for the purchase price or the use of a patented article.

Similar statutes were held unconstitutional in *Helm v. Bank*, 43 Ind. 167; S. C., 13 Am. Rep. 395; *Crittenden v. White*, 23 Minn. 24; S. C., 23 Am. Rep. 677; *Hollida v. Hunt*, 70 Ill. 109; S. C., 22 Am. Rep. 63; *Grover & Baker Machine Co. v. Butler*, 53 Ind. 454; S. C., 21 Am. Rep. 200; *Wool Moving Machine Co. v. Caldwell*, 64 Ind. 270; S. C., 23 Am. Rep. 641. But see decision of U. S. Sup. Ct. in *Patterson v. Commonwealth*, 19 Alb. L. J. 156.

CHAP. 69.

Banks.

AN ACT to amend chapter four hundred and seventy-five of the laws of eighteen hundred and sixty-seven, entitled "An act enabling national banking associations to become state banking associations, and to amend the banking laws of this state."

PASSED March 29, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 475,
Laws 1867,
7 Edm. 107.

SECTION 1. Section three of chapter four hundred and seventy-five of the laws of eighteen hundred and sixty-seven, entitled "An act enabling national banking associations to become state banking associations and to amend the banking laws of this state," is hereby amended so as to read as follows:

Circulat-
ing notes.

§ 3. Nothing in the banking laws of this state shall be construed as requiring any banking association or individual banker to issue circulating notes, but every banking association and individual banker not having given notice of intention to close the business of banking, and not having made a deposit of cash to redeem its circulating notes, and whose outstanding circulation does not exceed ten thousand dollars, is hereby required to keep on deposit, in the bank department, in addition to the deposit now required to secure the

Deposit in
bank de-
partment.

circulating notes of said bank stock of this state, or of the United States, bearing interest at a rate of not less than four and one-half per cent, to the amount of five thousand dollars, and the same shall be held by the superintendent of the bank department as a pledge of good faith, and guaranty of compliance with the banking laws of this state, on the part of such banking association or individual banker, and the proceeds of such stock, or the interest thereof, or so much thereof as may be necessary, may be applied by the superintendent to the payment of any penalty incurred by, or the assessment imposed upon, the banking association or individual banker, for whom such deposit is held, in lieu of the remedy by suit at law, heretofore given by the banking laws of this state, to the superintendent, for the enforcement of penalties or the collection of lawful assessments. The provisions of section one, chapter two hundred and eighty-one, laws of eighteen hundred and forty-four, relative to depositing securities with the superintendent of the bank department, shall not apply to banking associations or individual bankers that issue no circulating notes.

Laws 1844,
ch. 281, § 1,
not to
apply.

§ 2. This act shall take effect immediately.

CHAP. 85.

AN ACT in relation to the superintendent of public works.

PASSED March 30, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The superintendent of public works, to be appointed by the governor, by and with the advice and consent of the senate, shall receive a salary of six thousand dollars per annum, together with all traveling expenses necessarily and actually incurred, to be audited, allowed and paid monthly by the auditor of the canal department. Before he shall enter upon the duties of his office, he shall take and subscribe the constitutional oath of office and file the same in the office of the secretary of state, and shall execute a bond to the people of this state, in the penal sum of fifty thousand dollars, with two or more substantial freeholders of this state as sureties, who shall, in the aggregate, justify in double the amount of the penalty of said bond, conditioned for the faithful discharge of the duties of his office and for truly accounting for all moneys intrusted to him as such superintendent, which bond shall be subject to the approval of the auditor, and when so approved shall be filed in the office of the auditor, and shall be renewed whenever and as often as the same shall be required by the governor. And said superintendent of public works, as a member of the canal board, shall be entitled to one vote only.

Salary and
expenses.

Oath.

Bond.

§ 2. The assistant superintendent or superintendents to be appointed by the superintendent of public works shall each receive a salary of three thousand dollars per annum, together with all necessary traveling

Members
of canal
board.
Assistant
superin-
tendents.
Salary.

Oath.

expenses, to be audited, allowed and paid monthly by the auditor of the canal department by his warrant upon the treasurer. Before either of them shall enter upon the duties of his office he shall take and subscribe the constitutional oath of office, and file the same in the office of the secretary of state, and shall execute a bond to the people of this state, in the penal sum of twenty thousand dollars, with two or more substantial freeholders of this state as sureties, who shall in the aggregate justify in double of the amount of the penalty of the bond, conditioned for the faithful discharge of the duties of his office, and for truly accounting for all moneys intrusted to him as such assistant superintendent, which bond shall be subject to the approval of the auditor, and when so approved shall be filed in the office of the auditor, and shall be renewed whenever and as often as the same shall be required by the superintendent of public works.

Bond.

§ 3. This act shall take effect immediately.

CHAP. 89.

Constable's fees.

AN ACT further to amend chapter six hundred and ninety-two of the laws of eighteen hundred and sixty-six, entitled "An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts and for other purposes."

PASSED April 2, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending Laws 1866, ch. 692, § 8. 6 Edm. 808.

SECTION 1. Section eight of chapter six hundred and ninety-two of the laws of eighteen hundred and sixty-six, entitled "An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes," is hereby amended so as to read as follows:

Constables' fees.

§ 8. Constables shall hereafter be allowed the fees hereinafter stated for the following services in criminal cases; for serving a warrant seventy-five cents; for every mile traveled, going and returning, ten cents; for taking a defendant into custody on a mittimus, twenty-five cents; for every mile traveled in taking a prisoner to jail, going and returning, ten cents; for serving every subpoena, twenty-five cents; for every mile traveled in serving each subpoena, going and returning, five cents; for notifying a complainant, twenty-five cents; for every mile traveled in notifying a complainant, five cents, going and returning; for keeping a prisoner after being brought before the justice, and by his direction in custody, one dollar per day; for taking charge of a jury during their deliberations, fifty cents; for attending any court pursuant to a notice from the sheriff for that purpose, two dollars for each day, and five cents a mile for each mile traveled, in going to and returning from such court; which fees shall be chargeable to the county, and shall be paid by the treasurer thereof on the production of the certificate of the clerk, specifying the number of days and distance traveled.

Fees chargeable to county.

§ 2. This act shall take effect immediately.

CHAP. 101.

AN ACT to provide for making, to the New York infirmary for women and children, allowances and payments for the care and maintenance of lying-in and nursing women.

PASSED April 6, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever any homeless, or needy mother has received care and attendance in the lying-in wards of the New York infirmary for women and children, the managers of said infirmary shall be entitled to receive, and shall receive from the public treasury and funds of the city of New York, the sum of twenty-five dollars, for said care and obstetric attendance in each of said cases. And whenever any mother thus domiciled and attended at the birth of her child, and whenever any other homeless or needy mother with a nursing infant, resides at said infirmary at the request of or by permission of its officers, and wet nurses her own infant, the managers of said infirmary shall be entitled to receive, and shall receive, as aforesaid, the sum of eighteen dollars per month, and proportionally for any fraction of a month, for each mother so remaining under their charge in said institution; provided such residence shall exceed the period of two months. The several payments hereinbefore mentioned shall be made monthly, quarterly or annually, as the officers of said infirmary shall request the comptroller of said city in writing; and provided further, that said institution shall not be entitled to receive the said monthly allowance of eighteen dollars for a longer period than for one year, for any mother so remaining continuously.

Allow-
ances from
city
treasury.

Payments,
how made.

Limitation
on allow-
ance.

§ 2. In each and every year after this act shall take effect, the board of supervisors of the city and county of New York, or the officers or board charged by law, with the duty of levying and collecting taxes, shall levy and collect by tax at the same time and in the same manner as the contingent charges and expenses of said city and county are levied and collected, such sum or sums as shall provide for the several payments in the first section of this act provided, and it shall be the duty of the comptroller and chamberlain of said city, and of all other officers charged by law with the duty of making payments out of the treasury of said city, to make said payments as in said first section of this act is provided.

Tax to
be levied
and col-
lected
therefor.

§ 3. This act shall take effect immediately.

CHAP. 102.

AN ACT to provide the state-library with the proceedings of boards of supervisors.

PASSED April 6, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The clerk of the board of supervisors in each county of this state shall transmit to the librarian of the state library, at Albany, a copy of the proceedings of such board, annually and within twenty-days after the same shall be published.

§ 2. This act shall take effect immediately.

CHAP. 103.

Railroads.

AN ACT to facilitate the construction of narrow gauge railroad, and to amend chapter five hundred and sixty of the laws of eighteen hundred and seventy-one, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty."

PASSED April 6, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws of
1871, ch.
560.
9 Edm. 99.

SECTION 1. Section five of chapter five hundred and sixty of the laws of eighteen hundred and seventy-one, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,'" passed April second, eighteen hundred and fifty," is hereby amended so as to read as follows :

Authoriz-
ing con-
struction
of narrow
gauge
roads.

Capital
stock per
mile to be
sub-
scribed.

Amount to
be paid.
in, etc.

Filing of
articles,
etc.

Amount of
stock
required
per mile
for every
mile con-
structed.

Appoint-
ment of
commis-
sioners to
obtain
right of
way, etc

§ 5. Corporations may be formed under the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, for the purpose of constructing and operating railroads for public use in transporting persons and property, of the gauge of three feet and six inches or less, but not less than thirty inches within the rails, whenever capital stock of said corporation to the amount of one thousand dollars for every mile of such railroad proposed to be constructed and operated has been in good faith subscribed ; and whenever one thousand dollars or more for every mile of such railroad proposed to be constructed shall be in like manner subscribed, and ten per cent thereon in good faith actually paid in cash to the directors named in the articles of association, and an affidavit made by at least three of said directors, and indorsed on or annexed to said articles, that the amount of stock hereby required has been so subscribed, as aforesaid, and ten per cent thereon paid, as aforesaid, and that it is intended in good faith to construct and operate such railroad, then said articles, with such affidavit, may be filed and recorded in the office of the secretary of state, provided said articles contain all the other facts required by law to be stated in articles of association made for organizing railroad corporations under said act, entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, except that the amount of the capital stock of the company, stated in said articles, shall be not less than four thousand dollars for every mile of road constructed, or proposed to be constructed, and all of the provisions of said last-mentioned act shall apply to corporations formed for the construction and operating of railroads of the gauge hereinabove mentioned, except as herein provided or otherwise provided by law.

§ 2. Section sixth of said act is hereby amended so as to read as follows :

§ 6. Any railroad company duly organized according to law, when the gauge of its proposed railroad shall be three feet and six inches or less, but not less than thirty inches within the rails, may whenever two-thirds of the capital stock thereof has been in good faith subscribed and ten per cent thereon paid in good faith, in cash, apply to the supreme court, in the manner provided by law, for the appointment of commissioners, and all subsequent proceedings may be had to obtain

the title of lands necessary for the construction and maintenance and operating said railroad, to the same extent and in the same manner as if the whole amount of the capital stock specified in its articles of association was in like manner subscribed, and ten per cent thereof in like manner paid in cash, and may lay upon such road iron of a weight not less than forty pounds to the lineal yard. Such railroad company may charge and receive when its road is not more than twenty-five miles in length not exceeding five cents per mile; when its road is more than twenty-five and not more than forty miles in length not exceeding four cents per mile, and when its road is more than forty miles in length not exceeding three cents per mile, for each passenger and his ordinary baggage transported on said road, provided that nothing relating to fares in this section shall apply to railroad companies now incorporated or to any railroad now in operation, or to any railroad or part thereof located or to be located in the county of Kings or within the limits of any incorporated city.

Fare.

PROVISO.

§ 3. This act shall take effect immediately.

Amended 1879, ch. 293, *post*, p. 759.

CHAP. 107.

AN ACT in relation to the superintendent of state prisons, and for the more efficient and economical management of said prisons.

PASSED April 11, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amended
1877, ch.
253, *post*,
p. 410.

SECTION 1. The superintendent of state prisons shall have his office in the city of Albany. He shall have power and it shall be his duty to inquire into all matters connected with said prisons, and he shall have the management and control of said prisons and of the convicts therein, and of all matters relating to the government, discipline, police, contracts and fiscal concerns thereof.

Office to
be in the
city of
Albany.
General
powers
and duties.

§ 2. The superintendent shall appoint the agents and wardens, physicians and chaplains of the prisons, as provided in the constitution; and he may remove them from office whenever, in his judgment, the public interests shall so require. He may designate such number of the officers, keepers, guards or matrons as he may deem necessary for the safe-keeping of the convicts, or for the maintenance of discipline, to reside at the prisons, and the persons so designated shall be boarded at the expense of the said prisons, deduction being made for the same in the amount of salaries paid such officers, keepers, guards and matrons.

Agents,
wardens,
etc.,
appoint-
ment of.
Removals.
May direct
certain
officials to
reside at
prisons.
Board,
etc., to be
deducted
from
salaries.

§ 3. The said superintendent may leave vacant any subordinate office, now established by law, in either of the state prisons, which he shall consider unnecessary for the protection of the property of the state or for the safe-keeping of the convicts.

Certain
offices may
be left
vacant by.

§ 4. The compensation of the several officers, keepers, guards, matrons and teachers shall be fixed and determined, from time to time, by the superintendent; provided, however, that in no case shall the amount exceed the compensation now allowed by law.

Compensa-
tion of
officers to
be
fixed by.
Proviso.

Rules and regulations.

Clerks.

System of labor.

Agent and warden, appointments by.

Rations for.

Contracts for purchase of materials, etc.

Superintendent to report to legislature annually, before January 10th, in writing, condition of prisons.

Acts inconsistent repealed.

§ 5. The superintendent shall make such rules and regulations for the government of the officers, keepers, guards, matrons and teachers of the prisons, and in regard to the duties to be performed by them and for the government and punishment of the convicts as he may deem proper. The clerks of the several prisons shall conform to the rules established by the said superintendent, and shall perform their duties under the direction of the agent and warden, in such manner as shall be prescribed by the comptroller.

§ 6. The system of labor in the state prisons shall be by contract or by the state, or partly by one system and partly by the other, as shall be in the discretion of the superintendent deemed best.

§ 7. The agent and warden of each prison shall appoint (excepting the physician, chaplain and clerk) all officers, keepers, guards, matrons who may be either married or single women, and teachers of such prison, subject to the approval of the same by the superintendent, and shall have the power to remove the same. The said agent and warden of each prison shall be allowed rations from the prison stores for himself and family.

§ 8. Contracts for the purchase of materials and supplies for the prisons and for convict labor and for the sale of property manufactured at the prisons may be entered into by the agent and warden, subject to the approval of the superintendent.

Amended Laws 1877, chap. 253, *post*, p. 410.

§ 9. It shall be the duty of the superintendent, on or before the tenth day of January in each year hereafter, to report to the legislature in writing the condition of each of the prisons, the number of convicts confined and for what offenses, the moral, intellectual and physical condition of the convicts and how employed, the amount of money expended and how, in detail, the amount of money earned and how, in detail, the amount paid into the treasury, and such other matters as may seem pertinent and proper in the judgment of the superintendent.

§ 10. All acts and parts of acts inconsistent with provisions of this act are hereby repealed.

§ 11. This act shall take effect immediately.

CHAP. 111.

AN ACT to confirm the title of certain persons to real estate questioned by reason of alienage of former owners.

PASSED April 11, 1877; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Confirmation of rights, etc.

Proceedings for escheats not affected. Rights of certain parties not affected.

SECTION 1. The right, title or interest of any citizen or citizens of this state in or to any lands within this state now held or hereafter acquired shall not be questioned or impeached by the reason of the alienage of any person or persons from or through whom such title may have been derived; provided, however, that nothing in this act shall affect the rights of the state in any case in which proceedings for escheat have been instituted.

§ 2. Nothing in this act shall affect or impair the right of any heir, devisee, mortgagee or creditor by judgment or otherwise.

§ 3. This act shall take effect immediately.

See L. 1875, ch. 336, *ante*, p. 115. Vol. 2, pp. 334, 350; vol. 3, pp. 341-2; vol. 4, p. 298, *et seq.*

CHAP. 136.

AN ACT supplementary to chapter two hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defense of the Union," passed March thirty, eighteen hundred and sixty-six.

PASSED April 14, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In cases where any association mentioned in an act, entitled "An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defense of the Union," has been formed or shall hereafter be formed, such association may erect as the monument contemplated by said act a memorial hall or building and may take and hold the real estate, not to exceed in amount the sum of twenty-five thousand dollars, said real estate not to be exempted from taxation.

Monument
associa-
tions.

§ 2. This act shall take effect immediately.

Ante, p. 47. Vol. 6, p. 718.

CHAP. 156.

AN ACT further to amend chapter two hundred and eighty of the laws of eighteen hundred and fifty-two, entitled "An act further to amend the act entitled 'An act authorizing the incorporation of rural cemetery associations,' passed April twenty-seventh, eighteen hundred and forty-seven.

Rural
cemeteries

PASSED April 17, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fourth section of chapter two hundred and eighty of the laws of eighteen hundred and fifty-two, entitled "An act further to amend the act entitled 'An act authorizing the incorporation of rural cemetery associations,' passed April twenty-seventh, eighteen hundred and forty-seven," is hereby amended so as to read as follows:

Amending
chap. 280,
Laws 1852,
§ Edm. 752.

§ 4. Any such incorporation desiring to use any lands for cemetery purposes or take a conveyance thereof, shall cause notice to be published once a week for six weeks in two newspapers published in the county and having the greatest circulation in the county in which such lands are situated, of their intention to apply to the board of supervisors of such county, stating the time at which such application will be made for the consent mentioned in the first section of this act. Such notice shall contain a brief description of the lands for which such consent is asked and also their location and the number of acres. At such meeting, upon due proof of the publication of the notice above mentioned, the applicants and remonstrants, if any, may be heard in person and by counsel, and thereupon, if such board shall grant consent, it shall be lawful for such incorporation to take and hold the lands designated in such consent not exceeding two hundred and fifty acres in any county.

Notice of
applica-
tion for
leave to
take lands.
66 N. Y. 568.

Consent.

§ 2. This act shall take effect immediately.

CHAP. 158.Foreign
corporations.

AN ACT extending to corporations located in and organized under the laws of other states, certain rights and powers now possessed by similar corporations of this state.

PASSED April 17, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May purchase at
mortgage
foreclosure.

SECTION 1. It shall be lawful for any corporation, duly organized under the laws of any state in which such corporation shall be located, to purchase under any foreclosure sale based upon any mortgage or mortgages owned by such corporation, or upon judgments or decrees obtained or rendered for debts due to it, or in any settlement effected to secure such debts, any of the lands lying within this state that may be covered by or subject to such mortgages, judgments, decrees or settlements, and also to hold for a term not exceeding five years from the date of such purchase, and to convey such lands by deed or otherwise, in the same manner as though such corporation had been organized under the laws of and located within this state.

§ 2. This act shall take effect immediately.

CHAP. 161.

AN ACT to amend chapter five hundred and fifty-five, laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

PASSED April 17, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 555.
Laws 1864.
6 Edm. 851.

SECTION 1. Section seven, of title nine, of chapter five hundred and fifty-five, of the laws of eighteen hundred and sixty-four, except so far as it affects the towns of Cortland and White Plains, in the county of Westchester, is hereby amended so as to read as follows:

Boards of
education
bodies corporate.

§ 7. The said boards of education are hereby severally created bodies corporate, and each shall, at its first meeting, and at each annual meeting thereafter, elect one of their number president. They may, with the advice and consent of a majority of the legal voters entitled to vote on questions of taxation, to be had at an annual meeting of the inhabitants, appoint a clerk to the board. Such appointed clerk must be a resident of the district, and a person other than a trustee or a teacher in the employ of the board. The clerk so appointed shall be the general librarian of the district, and also perform all the clerical and other duties pertaining to his office. For his services he shall be entitled to receive a salary, which shall not be greater than twenty-five cents a year for each scholar, to be computed from the actual average daily attendance for the previous year, as set forth in the annual report to the school commissioner, or less, as in the best judgment of said legal voters to be had at such annual meeting; such consent and approval not to be for a longer period of time than one year. In case no provision is made at an annual meet-

Clerk.

Salary.

ing of the inhabitants for the appointment and payment of a clerk, then and in that case the board will appoint one of their own number to act as clerk. In districts other than those whose limits correspond with those of any city or incorporated village, said board shall have power to appoint one of the taxable inhabitants of their district treasurer, and another collector of the moneys to be raised within the same for school purposes, who shall severally hold such appointments during the pleasure of the board. Such treasurer and collector shall each, and within ten days after notice in writing of his appointment, duly served upon him, and before entering upon the duties of his office, execute and deliver to the said board of education a bond, with such sufficient penalty and sureties as the board may require, conditioned for the faithful discharge of the duties of his office. And in case such bond shall not be given within the time specified, such office shall thereby become vacant, and said board shall thereupon, by appointment, supply such vacancy.

Treasurer
and
collector.

CHAP. 163.

AN ACT to amend chapter three hundred and ninety-five of the laws of eighteen hundred and fifty-nine, entitled "An act in relation to the colonial history of the state, and the natural history thereof."

PASSED April 17, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter three hundred and ninety-five, of the laws of eighteen hundred and fifty-nine, entitled "An act in relation to the colonial history of the state, and the natural history thereof," is hereby amended so as to read as follows:

§ 3. The volumes of the natural history of the state hereafter to be published shall, when sold, be disposed of at not less than two dollars and fifty cents each, instead of the price now fixed by law; provided, always, that all colleges, academies, scientific institutions and library associations, which own the volumes already published, or the greater part of them, shall have the right to complete their sets on the terms heretofore established for that purpose. And the conditions applicable to colleges, academies and scientific institutions, shall be extended to the author of said volumes of natural history, who shall have the privilege of purchasing such copies, not exceeding one hundred in number, of any and every volume, as he may need for completing any sets in his possession, and for presentation to scientific correspondents and societies.

Volumes
of natural
history.

Provido.

§ 2. This act shall take effect immediately.

CHAP. 164.

AN ACT to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes."

PASSED April 18, 1877.

The People of the State of New York, represented in Senate and Assembly do enact as follows :

Amending
Ch. 440,
Laws 1873.
9 Edm. 618.

SECTION 1. Section three of chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes," is hereby amended so as to read as follows:

Commissioners of
highways
to inspect
plank and
turnpike
roads and
to give
notice to
repair.

§ 3. It shall be the duty of said officers to personally inspect the whole of such plank or turnpike roads or such part thereof as lie in their respective towns, villages or cities, at least once in each month, and in case the same shall be out of repair, or in such condition that the same cannot be conveniently used by the public, to give notice in writing thereof immediately to the toll-gatherer, or person attending the gate nearest to each place out of repair, or in bad condition, to cause such road to be put in good condition within forty-eight hours from the service of such notice or in default thereof, to order the toll gate or gates upon said road to be immediately thrown open, and such gate or gates shall not be closed until such road shall be fully repaired, or be in proper condition, to the satisfaction of said officers, or a majority thereof. The notice to said toll-gatherer shall point out the part of such road to which the said officers shall object. The fees of each of said officers for the services in this section mentioned shall be two dollars for each day actually employed in such service, to be paid by the corporation or persons whose road shall be so inspected by said officers, in case they shall order said toll-gate or gates to be thrown open, but otherwise, to be charged, audited and paid in the same manner as the other fees and expenses of commissioners of highways. Any party feeling himself aggrieved by the order of said plank-road inspectors, may appeal therefrom to the county court of the county in which the part of the road embraced in said order is situated, said appeal to be brought within twenty days after the service of said order. The notice of appeal shall be served upon one of said inspectors and a copy thereof shall be filed in the county clerk's office. The appeal may be brought on to hearing upon a notice of not less than five days, and the county court shall always be open for the purpose of hearing and determining such appeal. The said court shall proceed to hear said appeal, and after hearing the proofs and allegations of the parties, may affirm, reverse, or modify said order. During the pendency of such appeal, said toll-gate or gates shall remain open.

What
notice to
point out.
Fees for
said
services.

Appeal.

Notice of
appeal.

Hearing.

§ 2. This act shall take effect immediately.

See *Syracuse, etc., Plank-road Co. v. People*, 66 Barb. 25; *Suydam v. Smith*, 52 N. Y. 383; *Braden v. Berry*, 20 Wend. 55.

This act was repealed as to Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben counties, by Laws 1874, ch. 224; as to Montgomery county, by Laws 1875, ch. 530, *ante*, p. 177; as to Ulster and Rensselaer counties, by Laws 1876, ch. 416, *ante*, p. 332. Madison county was again made subject to the provisions by ch. 374, L. 1877; Ulster county by ch. 176, L. 1878.

CHAP. 167.

AN ACT in relation to the indictment and punishment of criminal offenses committed on railroads within the state.

PASSED April 20, 1877 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. When any crime or offense shall have been committed within this state, on, in or on board of any railroad train or railroad car making any passage or trip on or over any railroad in this state, or in respect to any portion of the lading or freight of any such railroad train or railroad car, an indictment for the same may be found in any county through which, or any part of which, such railroad train or railroad car shall pass, or shall have passed, in the course of the same passage or trip, or in any county where such passage or trip shall terminate or would terminate if completed ; and such indictment may be tried and a conviction thereon had, and all other proceedings to bring the offender to punishment may be had, in any such county, in the same manner and with the like effect as in the county where the offense or crime was committed.

Indictment for crimes committed on railroads.

§ 2. This act shall take effect immediately.

CHAP. 168.

AN ACT to amend section forty-two of article third, title one, of chapter eight, of part second of the revised statutes, entitled "Of divorces dissolving the marriage contract."

PASSED April 20, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section forty-two of article third, title one, chapter eight, part second of the revised statutes, entitled "Of divorces dissolving the marriage contract," is hereby amended so as to read as follows :

Amending 2 R. S. 145. 2 Edm. 151.

§ 42. Although the fact of adultery be established, the court may deny a divorce in the following cases :

Cases in which divorce may be denied, although adultery proved.

1. Where the offense shall appear to have been committed by the procurement, or with the connivance of the complainant.

2. Where the offense charged shall have been forgiven by the injured party, and such forgiveness be proved by express proof, or by the voluntary cohabitation of the parties, with the knowledge of the fact.

3. Where there shall have been no express forgiveness and no voluntary cohabitation of the parties, but the suit shall not have been brought within five years after the discovery by the complainant of the offense charged.

4. Where it shall be proved that the complainant has also been guilty of adultery under such circumstances as would have entitled the defendant if innocent to a divorce.

And in every suit brought for a divorce upon the ground of adultery,

judgment shall not be rendered for the relief demanded or for any part thereof, until the plaintiff shall have produced to the court, satisfactory proof that there is no judgment or decree for a divorce upon the ground of adultery, against the plaintiff in favor of the defendant in any of the courts of this state, and the plaintiff shall be a competent witness to prove such fact.

§ 2. This act shall take effect immediately.

The amendment consists in the addition of the last paragraph of section 1. See *Deits v. Deits*, 4 T. & C. 565; S. C., 2 Hun, 839. Repealed 1880, ch. 245. See Co. Civ. Proc., §§ 1757-8.

CHAP. 171.

AN ACT to amend chapter seven hundred and thirty-seven of the laws of eighteen hundred and seventy-three, entitled

"An act in relation to the creation and formation of water-works companies in towns and villages of the state of New York."

PASSED April 24, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 737,
Laws 1873,
9 Edm. 718.

SECTION 1. Section two of chapter seven hundred and thirty-seven of the laws of eighteen hundred and seventy-three, entitled "An act in relation to the creation and formation of water-works companies in towns and villages of the state of New York," is hereby amended so as to read as follows:

Com-
panies,
how
formed.

§ 2. Whenever any persons to the number of seven or more shall organize for the purpose of forming a water-works company in any of the towns or villages of this state, they shall present to the town or village authorities an application, setting forth the persons who propose to form said company, the proposed capital stock thereof, the proposed number and character of the shares of such capital stock, and the name or names of the streams, ponds, springs, lakes or other sources, and their locations, from which water is to be supplied. Such applications shall be signed by the persons who propose to form said company, and shall contain a request that the said town or village authorities shall consider the application of said company to supply said town or village of this state, or the inhabitants thereof, with pure and wholesome water. Upon the presentation of such application, the authorities of any town or village, which authorities are for the purposes of this act defined to consist for incorporated villages and towns, the board of trustees and supervisor, and for all other towns, the supervisor, justices of the peace, town clerk and commissioners of highways. Said authorities shall, within thirty days of the presentation of said application, determine by a vote of a majority of the authorities of said town or village, whether said application shall be granted; and the authorities of any town or village in this state are hereby authorized and empowered to make such determination, and when the same shall be made, to sign a certificate to that effect, and immediately transmit the same to the persons making such application, or either of them. Duplicate certificates of such determination shall be filed in the office of the clerk of said town or village, and in the office of the county clerk of the county in which said town or village granting such appli-

Authori-
ties to
decide, on
applica-
tion.

Duplicate
certificates
to be filed.

cation shall be situated. The persons named in such application shall thereupon meet and organize as a water-works company, under such corporate name as they may select. They shall file in the office of the secretary of state a certificate of such organization. Said certificate shall contain the name of the corporation, the names of the members of said corporation, and their residences, the amount of capital stock, the location of the office of said company. Such certificate shall be subscribed and sworn to by the president of said corporation, and shall be attested by the secretary thereof. Upon the filing of said certificate, said water-works company shall be known and deemed a body corporate, and shall be capable of suing and being sued by the corporate name which they shall have selected, in any of the courts of this state. The capital stock of said company shall be paid in in the manner and within the time provided by the "Act to authorize the formation of corporations for manufacturing, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, and the several amendments thereto; and the stockholders of said company shall be personally liable for the debts of said companies* in the same manner and to the same extent as is provided by said act and the amendments thereto; and any company heretofore or hereafter formed under the provisions of this act or any special act, may increase or diminish its capital stock, by complying with the provisions of this act, to any amount not exceeding in the aggregate two millions of dollars, subject to the provisions and liabilities of this act. But before any company shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities, except such as are secured by a mortgage upon its property and franchises, shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities, except those secured as aforesaid, shall be satisfied and reduced so as not to exceed such diminished amount of capital. Whenever any company formed under this act or any special act shall desire to call a meeting of the stockholders for the purpose of increasing or diminishing the amount of its capital stock, it shall be the duty of the trustees to publish a notice, signed by at least a majority of them, in a newspaper in the county, if any shall be published therein, at least three successive weeks, and to deposit a written or printed copy thereof in the post-office, addressed to each stockholder at his usual place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of such meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital; and a vote of at least two-thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of its capital stock. If, at the time and place specified in the notice herein provided for, stockholders shall appear in person or by proxy, in number representing not less than two-thirds of all the shares of stock of the corporation, they shall organize by choosing one of the trustees chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present, in person or by proxy, and if, on canvassing the votes, it shall appear that a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, a certificate of the proceedings, showing a compliance with the provisions of this act, the amount of capital actually paid in, the whole amount of debts and liabilities of the company, and the amount

Contents of certificate.

Corporation, when complete.

Capital stock.

Liability of stockholder.

Change of capital stock, how effected.

* So in the original.

to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman, and be countersigned by the secretary, and such certificate shall be acknowledged by the chairman, and duplicates thereof shall be filed forthwith in the office of the clerk of said town or village, and in the office of the county clerk of the county in which said town or village shall be situated, and when so filed, the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the company shall be entitled to the privileges and provisions, and be subject to the liabilities of this act, as the case may be.

§ 2. This act shall take effect immediately.

CHAP. 172.

AN ACT authorizing the removal of the female convicts confined in the state prison at Sing Sing, and the confinement of females hereafter convicted of felony, in the county penitentiaries of this state.

PASSED April 24, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Superintendent may transfer.

SECTION 1. The superintendent of state prisons is hereby authorized to transfer all the female convicts confined in the state prison at Sing Sing to such penitentiary or penitentiaries as he may select, and the convicts so transferred shall serve out the remainder of the term of imprisonment to which they have been sentenced, the same as though their original sentence had been to confinement in the penitentiary to which they shall be so transferred, and nothing in this act contained shall be held to work a release of any of the pains and penalties of the original sentence of any of said convicts.

Expenses.

§ 2. All necessary expenses of such removal of convicts shall be deemed a part of the incidental expenses of the prison at Sing Sing, and shall be audited by the comptroller and paid from the treasury upon his warrant.

Sentence of female convicts.

§ 3. Whenever any females shall be convicted of an offense punishable with imprisonment in the state prison, in either of the judicial districts of this state, having a county penitentiary within said judicial district, the court before which such conviction shall be had shall sentence the person so convicted to be imprisoned in the penitentiary situated within that judicial district, and in case such conviction shall be had in a judicial district in which there is no penitentiary located, then the court shall sentence such females, so convicted, to the penitentiary situated nearest to the county in which such conviction is had.

Duty of sheriff.

§ 4. It shall be the duty of the sheriff of any county in which any female shall be convicted and sentenced, as in the third section is provided, to convey such person to the county penitentiary to which she shall be sentenced, and deliver her to the superintendent thereof, for which service such sheriff shall be paid by the state treasurer such fees as are allowed by law for conveying convicts to the state prison.

Superintendents of peni-

§ 5. The several superintendents of the said county penitentiaries are hereby required to make a return, under oath, on the thirtieth day

of September of each year, to the comptroller, in which they shall fully set forth the name of each convict committed or transferred to their respective penitentiaries under or by virtue of this act, in what court convicted, before what presiding justice or judge, the offense for which conviction is had, the date of such conviction and length of sentence, and date of the reception of such convict at said penitentiary. The comptroller shall thereupon audit and allow such penitentiary for the maintenance of such convicts, one dollar and fifty cents per week for each convict imprisoned therein under and by virtue of this act, during the year preceding the said thirtieth day of September, and shall draw his warrant upon the treasury of the state in favor of the superintendent of said county penitentiary for the amount so audited and allowed, payable out of the money in the treasury not otherwise appropriated.

penitentiaries to make return.

Allowance to penitentiaries.

§ 6. Persons convicted and imprisoned in county penitentiaries under this act, shall be subject to all laws applicable to persons convicted and imprisoned in state prisons and not in conflict herewith.

Laws applicable to state prisons to apply.

§ 7. This act shall take effect immediately.

CHAP. 173.

AN ACT in relation to the imprisonment of convicts in the New York state reformatory at Elmira, and the government and release of such convicts by the managers.

PASSED April 24, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who shall be convicted of an offense punishable by imprisonment in the New York state reformatory, and who, upon such conviction, shall be sentenced to imprisonment therein, shall be imprisoned according to this act, and not otherwise.

This act to control imprisonments in reformatory. Form of sentence.

§ 2. Every sentence to the reformatory of a person hereafter convicted of a felony or other crime shall be a general sentence to imprisonment in the New York state reformatory at Elmira, and the courts of this state imposing such sentence shall not fix or limit the duration thereof. The term of such imprisonment of any person so convicted and sentenced shall be terminated by the managers of the reformatory, as authorized by this act, but such imprisonment shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced.

Term of imprisonment.

§ 3. Every clerk of any court by which a criminal shall be sentenced to the New York state reformatory shall furnish to the officer having such criminal in charge a record containing a copy of the indictment, and of the plea, the names and residences of the justices presiding at the trial, also of the jurors, and of the witnesses sworn on the trial, a full copy of the testimony, and of the charge of the court, the verdict, the sentence pronounced, and the date thereof, which record duly certified by the clerk, under his hand and official seal, may be used as evidence against such criminal in any proceeding taken by him for a release from imprisonment by habeas corpus or otherwise. A copy of the testimony taken on the trial, and of the charge of the court, shall

Clerk to furnish copy of record.

Amended 1879 ch. 462 post, p. 800.

Copy of record as evidence.

Copy of testimony and charge

to be furnished.

be furnished to the clerk, for the purposes of this act, by the stenographer acting upon the trial, or if no stenographer be present, by the district attorney of the county. The stenographer or district attorney furnishing such copy, and the county clerk, shall be entitled to such compensation, in every case in which they shall perform the duties required by this act, as shall be certified to be just by the presiding judge at the trial, and shall be paid by the county in which the trial is had, as part of the court expenses. The clerk shall also, upon any such conviction and sentence, forthwith transmit to the superintendent of the reformatory notice thereof.

Clerk to give notice of conviction.

Conveyance to reformatory.

§ 4. Upon the receipt of such notice, the superintendent in person, or a subordinate officer of the reformatory by said superintendent for that purpose duly delegated, shall proceed to the place of trial and conviction, and the sheriff or keeper of the jail having the custody of the convict, shall deliver him to such superintendent or delegated officer, with the record of his trial and conviction as made up by the clerk, and such convict shall thereupon be conveyed to the reformatory, the expenses of which conveyance shall be a charge against and paid out of the earnings or other funds of the reformatory.

Transfers to state prison.

§ 5. The board of managers shall have power to transfer temporarily, with the written consent of the superintendent of prisons, to either of the state prisons, or in case any prisoner shall become insane, to the convict asylum at Auburn, any prisoner who, subsequent to his committal, shall be shown to have been, at the time of his conviction, more than thirty years of age, or to have been previously convicted of crime, and may also so transfer any apparently incorrigible prisoner whose presence in the reformatory appears to be seriously detrimental to the well being of the institution. And such managers may, by written requisition, require the return to the reformatory of any person who may have been so transferred. The said board of managers shall also have power to establish rules and regulations under which prisoners within the reformatory may be allowed to go upon parol outside of the reformatory buildings and inclosure, but to remain while on parol in the legal custody and under the control of the board of managers and subject at any time to be taken back within the inclosure of said reformatory, and full power to enforce such rules and regulations, and to retake and reimprison any convict so upon parol is hereby conferred upon said board, whose written order certified by its secretary shall be a sufficient warrant for all officers named in it to authorize such officers to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process. The said board of managers shall also have power to make all rules and regulations necessary and proper for the employment, discipline, instruction, education, removal and temporary or conditional release and return as aforesaid of all the convicts in said reformatory.

Going abroad upon parol.

Arrest of paroled prisoners.

Rules and regulations.

Transfers from state prisons to reformatory. Amended 1879, ch. 284.

§ 6. Whenever there is unoccupied room in the reformatory, the board of managers may make requisition upon the superintendent of prisons, who shall select such number as is required by such requisition, from among the youthful, well-behaved and most promising convicts in the state prisons, and transfer them to the reformatory for education and treatment under the rules and regulations thereof. And the board of managers are hereby authorized to receive and detain during the term of their sentence to the state prison, such prisoners so transferred, and the laws applicable to convicts in the state prisons, so far as they relate to the commutation of imprisonment for good con-

duct, shall be applicable to said convicts when transferred under this section.

§ 7. It shall be the duty of said board of managers to maintain such control over all prisoners committed to their custody, as shall prevent them from committing crime, best secure their self support and accomplish their reformation. When any prisoner shall be received into the reformatory upon direct sentence thereto, they shall cause to be entered in a register the date of such admission, the name, age, nativity, nationality, with such other facts as can be ascertained, of parentage, of early social influences, as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and based upon these, an estimate of the then present condition of the prisoner and the best probable plan of treatment. Upon such register shall be entered quarter yearly, or oftener, minutes of observed improvement or deterioration of character, and notes as to methods and treatment employed; also all orders or alterations affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of the personal history which may be brought to their knowledge.

Control of
prisoners.

Register of
convicts.

§ 8. The board of managers shall, under a system of marks or otherwise, fix upon a uniform plan under which they shall determine what number of marks, or what credit shall be earned by each prisoner sentenced under the provisions of this act, as the condition of increased privileges, or of release from their control, which system shall be subject to revision from time to time. Each prisoner so sentenced shall be credited for good personal demeanor, diligence in labor and study, and for results accomplished, and be charged for derelictions, negligences and offenses. An abstract of the record in the case of each prisoner remaining under control of the said board of managers shall be made up semi-annually, considered by the managers at a regular meeting, and filed with the secretary of state, which abstract shall show the date of admission, the age, the then present situation, whether in the reformatory, state prison, asylum or elsewhere, whether any and how much progress of improvement has been made, and the reason for release or continued custody, as the case may be. The managers shall establish rules and regulations by which the standing of each prisoner's account of marks or credits shall be made known to him as often as once a month, and oftener if he shall, at any time, request it, and may make provision by which any prisoner may see and converse with some one of said managers during every month. When it appears to the said managers that there is a strong or reasonable probability that any prisoner will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, then they shall issue to such prisoner an absolute release from imprisonment, and shall certify the fact of such release and the grounds thereof to the governor, and the governor may thereupon, in his discretion, restore such person to citizenship. But no petition or other form of application for the release of any prisoner shall be entertained by the managers. Nothing herein contained shall be construed to impair the power of the governor to grant a pardon or commutation in any case.

System for
determin-
ing con-
duct.

Abstract
of record
to be made
and filed.

Standing
of prison-
ers to be
made
known to
him.

Release.

§ 9. If, through oversight or otherwise, any person be sentenced to imprisonment in the said reformatory for a definite period of time, said sentence shall not for that reason be void, but the person so sentenced shall be entitled to the benefit and subject to the liabilities of this act, in the same manner and to the same extent as if the sentence had been in the terms required by section two of this act, and in such case said

Error in
sentence.

managers shall deliver to such offender a copy of this act, and written information of his relation to said managers.

Supervisors of paroled prisoners.

§ 10. Said managers may appoint suitable persons in any part of the state charged with the duty of supervising prisoners who are released on parole, and who shall perform such other lawful duties as may be required of them by the managers; and such persons shall be subject to direction and removal by said managers, and shall be paid for the duties actually performed under the direction of said managers, a reasonable compensation for their services and expenses, and the same shall be a charge upon and paid from the earnings or other funds of the reformatory.

CHAP. 177.

AN ACT to amend chapter three hundred and eighty-one of the laws of eighteen hundred and seventy-five, entitled "An act supplemental to an act entitled 'An act to provide for the incorporation of religious societies,' passed April fifth, eighteen hundred and thirteen, and of the several acts amendatory thereof."

PASSED April 25, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending Laws 1875, ch. 381, ante, p. 188.

SECTION 1. Section three of chapter three hundred and eighty-one of the laws of eighteen hundred and seventy-five, passed May seven-teenth, eighteen hundred and seventy-five, entitled "An act supplemental to an act entitled 'An act to provide for the incorporation of religious societies,' passed April fifth, eighteen hundred and thirteen, and of the several acts amendatory thereof," is hereby amended so as to read as follows:

When church becomes extinct.

§ 3. Whenever any church, in connection with any such presbytery, shall become extinct, by reason of the death or removal of its members, it shall be lawful for such corporation to take possession of the temporalities belonging to the society formed in connection with such extinct church and manage or dispose of the same, and apply the proceeds thereof to any of the objects mentioned in the second section of this act. The presbytery to which the church belongs shall determine when any church is extinct, provided that no church having more than nine resident members shall be declared extinct, unless it has failed, for three consecutive years, to maintain the stated preaching of the gospel.

§ 2. This act shall take effect immediately.

CHAP. 178.**AN ACT in relation to bets, wagers and pools.**

PASSED April 25, 1877 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any person who shall keep any room or building, or any part or portion of any room or building, or occupy any place upon public or private grounds anywhere within the state, with apparatus, books or paraphernalia, for the purpose of recording or registering bets or wagers, or of selling pools, and any person who shall record or register bets or wagers, or sell pools upon the result of any trial or contest of skill, speed or power of endurance, of man or beast, or upon the result of any political nomination, appointment or election, or being the owner, lessee or occupant of any such room, building or part or portion thereof, shall knowingly permit the same to be used or occupied for any of the purposes aforesaid, or shall therein keep, exhibit or employ any device or apparatus for the purpose of registering or recording such bets or wagers, or the selling of such pools, or shall become the custodian or depositary for hire or reward, of any money, property or thing of value staked, wagered or pledged, as aforesaid, upon any such result, such person shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by imprisonment in the county jail for not more than one year, or by fine not exceeding two thousand dollars, or by both such fine and such imprisonment.

CHAP. 183.**AN ACT to provide for the reduction of the number of directors in fire and marine insurance companies.**

PASSED April 25, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any existing fire or marine insurance company, organized under any of the laws of this State, may by a vote of two-thirds of its board of directors, and upon a written notice to all its stockholders with the written consent of a majority in amount of its stockholders, reduce the number of directors to not less than thirteen, a majority of whom shall be citizens of this state, by altering or amending its charter in respect to the number of directors, and filing a copy of the charter so amended, together with a declaration under its corporate seal, signed by its president and two-thirds in number of its directors, with such written consent of a majority of its stockholders, in the office of the superintendent of the insurance department; such reduction of the number of directors may be made so as to take effect either immediately or gradually as vacancies may occur in the board of directors by death, resignation, disqualification or otherwise; and when the number of directors shall be reduced as herein provided to thirteen, seven of such number shall constitute a quorum for all purposes.

Number of
directors
how re-
duced.

§ 2. This act shall take effect immediately.

CHAP. 187.

AN ACT relative to summary proceedings to recover the possession of lands for non-payment of rent, and for holding over after expiration of term, in the city of New York.

PASSED April 28, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction of justice of district court.

Proviso.

Court, where held.

When justice is disabled.

SECTION 1. No justice of the district courts in the city of New York shall hereafter have jurisdiction under the statutes relative to summary proceedings to recover the possession of lands for non-payment of rent, and for holding over after expiration of term unless the premises, the possession of which is sought to be recovered, are located in the judicial district, in and for which said justice was elected. Provided, however, that on the first hearing of any such proceeding the justice before whom such proceeding is brought may, on motion of either party thereto, make an order directing the trial of the issues therein to be held before the justice of an adjoining district.

§ 2. The justice elected in each district must hold court at his court room and at no other place, for the hearing and disposing of proceedings under the statutes referred to in the first section of this act; if he be unable to hear such proceedings by reason of illness or absence from the place where his court is held, or if said justice be a necessary witness in any such proceeding, or if for any reason he be disqualified to try the issues in any such proceeding, all power and jurisdiction by the said statutes conferred on him may be exercised in his stead by a justice of any of the other district courts of the city of New York, acting for him and in his place and stead.

§ 3. This act shall take effect on the first day of July, eighteen hundred and seventy-seven.

Repealed by ch. 245, L. 1880. See L. 1879, chaps. 101-102, post, p. 704, and Co. Civ. Proc. §§ 2224, 2230, and 2246.

CHAP. 197.

Highway labor.

AN ACT further to amend section fifty of article three, title one, of chapter sixteen of the first part of the revised statutes, in relation to highways.

PASSED April 30, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending 1 R. 3. 611
1 Edm 471.
6 Id. 497.

Collection of arrearages of non-resident labor.

SECTION 1. Section fifty of article three, title one, of chapter sixteen of the first part of the revised statutes, is hereby further amended so as to read as follows:

§ 50. It shall be the duty of each board of supervisors at their annual meeting in each year, to cause the amount of such arrearages for highway labor returned to them severally as provided in the preceding section, estimating each day's labor at one dollar and fifty cents a day, to be levied and collected from the real or personal estate of the person, corporation or non-resident real estate from which said arrearages of highway labor may remain unpaid, and to be collected by the collector of the several towns in the same manner that other taxes are collected, and order the same when collected by said collector to be paid over to the commissioner of highways of the town wherein the same is collected, to be by them applied toward the construction, repair and improvement of the roads and bridges in the district in which the labor was originally assessed.

§ 2. This act shall take effect immediately.

CHAP. 198.

AN ACT authorizing the commissioners of the land office to exchange lands on the Onondaga salt springs reservation.

PASSED April 80, 1877; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the land office may, in their discretion, whenever, in their judgment, it shall be for the interest of the state, exchange any lands on the Onondaga salt springs reservation, set apart for the manufacture of fine or coarse salt, for any lands belonging to individuals, which would, in their opinion, be better adapted and more available for the manufacture of salt; provided, however, in no case shall such exchange be made for a less amount in area of land. Nor shall any money be paid by the state for any supposed difference in value of the individual land in excess of the value of the land of the state, but the state may demand and receive any difference in money, in the value of the state land which, in the judgment of the said commissioners of the land office, there may be over the value of the individual land so offered in exchange.

§ 2. This act shall take effect immediately.

CHAP. 206.

AN ACT regulating the practice in the surrogate's court of the county of New York, respecting testimony taken in contested matters, and as to the issue of letters of guardianship to testamentary guardians.

PASSED May 2, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The stenographer of the surrogate's court of the county of New York shall hereafter make one plain copy of the minutes of the testimony taken by the said surrogate in all contested matters before him as such surrogate, and the said minutes shall be securely bound in volumes of a convenient size and shape, which said volumes shall be indorsed upon their backs "stenographic minutes," and numbered numerically beginning with number one.

Stenographer's minutes.

§ 2. In all such contested matters, the said surrogate shall not hereafter be required to record the testimony taken therein, nor shall he be required to record the testimony heretofore taken in such contested matters, and not yet recorded, but the record thereof shall refer to such testimony as filed in his office, giving the number of the volume and page of the said stenographer's minutes of the said testimony, and where a will has been contested, the fact of such contestation shall be stated in the record thereof.

Surrogate not to record testimony.

§ 3. The record of all such contested matters, and the said stenographer's minutes, may be certified by the clerk to the surrogate's court, and shall be as effectual for all purposes as if the said testimony had been recorded in the manner now prescribed by law, and a certified or exemplified copy of the record of all such matters shall be as effectual for all purposes of evidence as if said testimony was annexed to and formed a part of said certified or exemplified copy.

Record and stenographer's minutes as evidence.

§ 4. A testamentary guardian appointed in any last will and testament, which shall be admitted to probate by said surrogate, shall, if he accepts the appointment, qualify within thirty days after said probate, by taking an oath similar to that now required of general guardians, and thereupon said surrogate shall issue letters of guardianship to him, or he may renounce such appointment.

Testamentary guardian when and how to qualify.

§ 5. If such testamentary guardian does not appear and qualify, or renounce his said appointment, within said thirty days, then such proceedings may be taken for his renunciation as may now by law be taken against an executor who fails to qualify or renounce his appointment.

Effect of failure to qualify.

§ 6. Objections may be filed against the issue of letters of guardianship to the testamentary guardian named in any last will and testa-

Objections to testa-

Effect of failure to qualify.

§ 5. If such testamentary guardian does not appear and qualify, or renounce his said appointment within said thirty days, then such proceedings may be taken for his renunciation as may now by law be taken against an executor who fails to qualify or renounce his appointment.

Objections to testamentary guardian.

§ 6. Objections may be filed against the issue of letters of guardianship to the testamentary guardian named in any last will and testament by any party interested in the estate of the testator, for any of the causes which now render an executor incompetent to act as such, and thereupon such proceedings shall be had as are now by law prescribed, where objections are filed against the issue of letters testamentary to an executor named in any last will and testament.

Testamentary guardian not to act till letters issue.

§ 7. Until letters of guardianship shall be duly issued to a testamentary guardian, he shall have no power or authority over the persons or estates of the minors for whom he is named as such guardian.

§ 8. This act shall take effect immediately.

Repealed by ch. 245, L. 1880. See Co. Civ. Proc., §§ 2541-2, and 2551-2.

CHAP. 208.

AN ACT to define and punish embezzlement by executors, administrators, guardians and trustees.

PASSED May 2, 1877 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Embezzlement by executors, guardians, etc.

SECTION 1. If any person acting as executor, administrator, trustee or guardian, appointed by any will, deed, or other written instrument, or by the judgment or order of any court or judicial officer in this state, shall convert to his own use, or take, make way with, or secrete with intent to convert to his own use, or shall fraudulently withhold any money, goods, property, rights in action, or other valuable security or effects whatever, belonging to the estate or person or persons for whose benefit or in whose behalf such executor, administrator, trustee or guardian may have been appointed, and which shall have come into his possession or under his care or control by virtue of such trust, employment or office, he shall be adjudged guilty of embezzlement, and shall, upon conviction, be punished by a fine not less than the amount shown on the trial to the satisfaction of the courts to be so embezzled, with interest and twenty per cent thereon in addition, and he shall be imprisoned in the state prison until such fine be paid, but not for a period exceeding five years.

Punishment.

Fine to be paid to county treasurer.

§ 2. The amount of such fine, to the extent of the sum so embezzled, together with seven per cent interest thereon from the time of such embezzlement, and costs of action for the recovery of judgment for the amount so embezzled, shall, after its collection, be paid to the county treasurer subject to the order of the supreme court in the district where the conviction has been had for the benefit of the estate or the party or parties for whose benefit or in whose behalf the person so convicted was acting as such executor, administrator, trustee or guardian, and shall only be drawn out on application to and under the order of the court, and so much of the amount collected for such fine as shall be necessary for that purpose, shall be applied in satisfaction of any judgment or decree obtained in a court of law or equity on account of the embezzlement for which such conviction was had ; and any amount not so drawn out within two years after such conviction, shall be paid to the county treasurer of the county in which such conviction was had for the use of such county but shall upon the order

How drawn from treasurer.

satisfaction of such judgment or decree in case such judgment or decree shall be recovered after the expiration of said two years.

§ 3. In case of the payment of the amount embezzled and interest at seven per cent by the person convicted, or of the collection of the same by civil action, the court may, in its discretion, upon application by such person and notice to the parties interested in the fund or property embezzled, and to the district attorney of the county, remit the fine imposed except the additional percentage. Remitting fine.

CHAP. 209.

AN ACT regulating the amount of capital stock for fire and marine insurance companies.

PASSED May 2, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. No company shall be hereafter organized under the laws of this state for the transaction of fire or marine insurance business with a smaller capital than two hundred thousand dollars, the same to be paid in in cash. Capital of insurance companies.

§ 2. Companies from other states and countries applying for admission to this state shall be possessed of at least the amount of capital required from companies organized under the laws of this state, the same to be paid in in cash. Foreign companies.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed. Repeal.

§ 4. This act shall take effect immediately.

Section 1 amended 1878, ch. 237, post, p. 631. Sec. 2 amended 1879, ch. 490, post, p. 806.

CHAP. 210.

AN ACT to incorporate the New York State Bar Association.

PASSED May 2, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The members of the voluntary association which was formed in the city of Albany, November twenty-first, eighteen hundred and seventy-six, under the name of the New York State Bar Association, of which association John K. Porter of the first judicial district is president, and Charles W. Sandford of the first judicial district, John J. Armstrong of the second judicial district, Samuel Hand of the third judicial district, Platt Potter of the fourth judicial district, William C. Ruger of the fifth judicial district, Horatio Ballard of the sixth judicial district, James L. Angle of the seventh judicial district, and Myron H. Peck of the eighth judicial district are vice-presidents, and of which the judges of the United States courts residing in this state, the judges of the court of appeals, and the justices of the supreme court of this state are honorary members, and all persons who shall New York State Bar Association.

hereafter be associated with them, are hereby created a body corporate, under the name of the "New York State Bar Association." And the said association is formed to cultivate the science of jurisprudence to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, and to cherish a spirit of brotherhood among the members thereof.

Powers as
to prop-
erty.

§ 2. Said corporation shall have power to acquire, by lease or purchase, suitable buildings, library and furniture for the use of the corporation; to borrow money for such purposes and issue bonds therefor, and to secure the same by mortgage; and generally to acquire and take by purchase, gift, devise, bequest, subject to the provisions of law relating to devises and bequests by last will and testament, or otherwise, and to hold, transfer and convey all or any such real and personal property as may be necessary for attaining the objects, and carrying into effect the purposes of such corporation.

Constitu-
tion, by-
laws, etc.

§ 3. The constitution, by-laws, rules and regulations originally adopted by said voluntary association shall be the constitution, by-laws, rules and regulations of the corporation hereby created, which shall have power from time to time to alter, modify and change the same; and the members of the executive committee of said association shall be the first trustees of the corporation hereby created, and continue to be such trustees until others are elected in their places, as prescribed by said constitution and by-laws, and the several officers and committees of said association shall be the officers and committees of the corporation hereby created with the powers and duties prescribed by said constitution, by-laws, rules and regulations, until their successors shall be similarly duly elected and installed.

Property
rights and
interests.

§ 4. All property rights and interests of the said association now held by any or either of the officers thereof, or by any person or persons for its use and benefit, shall by virtue of this act vest in and become the property of the corporation hereby created, subject to the payment of the debts of said association if any; all interest of any member of said association and of the corporation hereby created in such property shall terminate and vest in the corporation upon his ceasing to be a member thereof.

General
powers
and liabili-
ties.

Deposit of
docu-
ments.

Deposit of
documents
of local
associa-
tions.

§ 5. This corporation shall possess the powers and be subject to the liabilities prescribed by the third title of the eighteenth chapter of the first part of the revised statutes. This corporation shall deposit a copy of its charter, constitution and by-laws, and of each of its annual reports in the state library at Albany, and in each of the libraries provided for the use of the justices of the supreme court in the several counties of the state. It shall be the duty of every local bar association to deposit with the New York State Bar Association a copy of its act or certificate of incorporation or its articles of association, and its constitution and by-laws and its annual report.

§ 6. This act shall take effect immediately.

CHAP. 211.**AN ACT in relation to the names of insurance companies.**

PASSED May 2, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No fire, life, marine or other insurance company hereafter organized under the laws of this state shall use a corporate name or title which shall at the time of such organization be used to designate any fire, life, marine or other insurance company already existing under the laws of this state; and it shall be the duty of the superintendent of the insurance department to reject any name which he shall deem to be so nearly similar to any already in use as to lead to confusion or uncertainty on the part of the public.

Insurance companies.

§ 2. This act shall take effect immediately.

CHAP. 219.**AN ACT for the relief of school districts wishing to contract with boards of education of cities, to educate their children in city schools.**

PASSED May 3, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any school district adjoining a city by a vote of a majority of the qualified voters of such district shall empower the trustees thereof, the said trustees shall enter into a written contract with the board of education of such city, whereby all the children of such district may be entitled to be taught in the public schools of such city, for a period of not less than twenty-eight weeks in any school year, upon filing a copy of such contract duly certified by the trustees of such school district and by the secretary of the board of education of said city, in the office of the superintendent of public instruction, such school district shall be deemed to have employed a competent teacher for such period, and shall be entitled to receive one distribution district quota each year during which such contract shall be renewed and continued.

Contract of trustees with board of education.

§ 2. The board of education of any city so contracting with any school district shall report the number of persons of school age in such district, together with those resident in the city, the same as though they were actual residents of the city, and shall report for the pupils attending the city schools from such district to the superintendent of public instruction the same as though they were residents of such city.

Board of education to report.

§ 3. It shall be the duty of the superintendent of public instruction to give to school commissioners such directions as may, in his judgment, be required and proper, in relation to the reports to be made by the trustees of such districts to school commissioners.

Duty of superintendent.

§ 4. This act shall take effect immediately.

Sections 1 and 2 amended by ch. 306, L. 1878, post, p. 785.

CHAP. 224.**AN ACT to amend chapter two hundred and thirty-seven of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled an act to authorize the formation of railroad corporations, and to regulate the same, passed April second, eighteen hundred and fifty," passed April seventeenth, eighteen hundred and sixty-nine.**

PASSED May 3, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter two hundred and thirty-seven of the laws of eighteen hundred and sixty-nine is hereby amended so as to read as follows:

Amending Laws 1869, ch. 237. 7 Edm. 433. 8 Id. 624. Section 31.

§ 1. Section twenty-one of the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same,"

passed April second, eighteen hundred and fifty, is hereby amended by adding thereto the following: "And if at any time after the construction of any railroad operated by steam by any company now existing, or that may hereafter be created, such company, or any company owning, operating or leasing such railroad, or any mortgagee or mortgagees in possession of such railroad, or person or persons appointed by any court of competent authority as receiver or receivers of any such railroad and in the possession of and operating the same, shall require, for the purposes of its incorporation, or for the purpose of running or operating any railroad so owned, leased or possessed as aforesaid, any real estate in addition to what has been already acquired for the purposes of such railroad, or shall require any further right to lands, or the use of lands, for switches, turnouts or for the flow of water occasioned by railroad embankments or structures now in use, or hereafter rendered necessary, or for any other purpose necessary to the operation of such railroad; or any right to take and convey water from any spring, pond, creek or river, to such railroad, for the uses and purposes thereof, together with the right to build or lay aqueducts, or pipes for the purpose of conveying such water, and to take up, relay and repair the same; or any right of way required for carrying away or diverting any waters, streams or floods from such railroad, for the purpose of protecting the same, or for the purpose of preventing any embankment, excavation or structure of such railroad from injuring or damaging the property of any person or parties who may be rendered liable to injury by reason of such embankment, excavation or structure, as the same may have been constructed previous to such time, or may then exist; such company, or mortgagee or mortgagees, person or persons in possession as aforesaid, may acquire such additional real estate, or any property or real estate which they now use or occupy, or right of way or other rights hereinbefore specified, by purchasing the same of the person or parties owning the same or interested therein, or to be affected thereby, and by paying to such parties such damages as they may sustain by reason thereof, if the amount of such compensation or damages can be agreed upon between such company, or mortgagee or mortgagees, person or persons in possession, and such owner or owners or parties interested in such additional real estate; and if such company, or mortgagee or mortgagees, person or persons in possession shall, for any cause, be unable to agree for the purchase of such real estate or right of way, or other rights, or shall be unable to agree upon the sum which shall be paid to such persons or parties in satisfaction of the damages they may sustain, or if the title to any such real estate or right of way, or other rights already acquired or attempted to be acquired, shall, for any cause, prove defective or imperfect, then, and in every such case, such company, or mortgagee or mortgagees, person or persons in possession of and operating as aforesaid any such railroad, may proceed to acquire or perfect title to such real estate or right of way, or other rights, and to ascertain and appraise such damages in the manner and by the proceedings hereinbefore in this act prescribed. Nothing in this act contained shall authorize the taking of any waters that shall at the time of such taking be commonly used for domestic, agricultural or manufacturing purposes to such an extent as to injuriously interfere with such use in the future." Provided that the mortgagee or mortgagees, receiver or receivers, in possession of any railroad as aforesaid, before commencing proceedings to ascertain and appraise damages under the provisions of this act, shall present a petition to the court under whose authority

Additional
land, how
acquired.

Water
rights.

Right of,
way.

Acquiring
by purchase.

Condem-
nation.

Limita-
tion of act.

Proviso in
case of
mortgagee
or receiver.

they are acting, or to any court of competent authority, for permission to commence such proceedings, which petition shall set forth that such real estate, right of way, or other rights as aforesaid, described in said petition, are necessary for the operation of said railroad, or for the protection of the property in their possession; and a copy of which petition, with a notice of the time and place the same will be presented to said court, must be served on all persons whose interests are to be affected by the proceedings at least ten days prior to the presentation of the same to said court, and no proceedings to ascertain and appraise damages as aforesaid shall be taken by said mortgagee or mortgagees, receiver or receivers as aforesaid unless they shall be duly authorized by order of said court.

§ 2. This act shall take effect immediately.

See *Matter of N. Y. Cent. & H. R. R. Co.*, 5 Hun, 86; *Matter of N. Y. Cent. & H. R. R. Co.*, 4 id. 381; *N. Y. & Canada R. R. Co. v. Gunnison*, 3 T. & C. 632; S. C., 1 Hun, 496; *Matter of N. Y. & H. R. R. Co. v. Kep.* 46 N. Y. 546; *Railroad Co. v. Davis*, 43 id. 137; *N. Y. Cent. & H. R. R. v. Metropolitan Gaslight Co.*, 5 Hun, 201; *Arnold v. H. R. R. Co.*, 55 N. Y. 661; *Syracuse, etc., R. R. Co.*, *Matter of*, 4 Hun, 311; *Matter of Rondout, etc., R. R. Co.*, 5 Lans. 298; *N. Y. Cent. & H. R. R. v. Sweeney*, 6 T. & C. 669.

CHAP. 228.

AN ACT to provide for the incorporation of exchanges or boards of trade.

PASSED May 3, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. At any time hereafter any twelve or more persons who may desire to form a corporation commonly called board of trade or exchange, for the purpose of fostering trade and commerce, to protect it from unjust or unlawful exactions, to reform abuses in trade, to diffuse accurate and reliable information among its members as to the standing of merchants and other matters, to produce uniformity and certainty in the customs and usages of trade, to settle differences between its members, and to promote a more enlarged and friendly intercourse between merchants, may make, sign and acknowledge before some officer competent to take the acknowledgment of deeds, and file in the clerk's office of the county where the principal office of such corporation is to be located, and a duplicate thereof in the office of the secretary of state, a certificate in writing in which shall be stated the name of the corporation, and the object for which it shall be formed, the amount of its capital stock, if any, the number of shares of which said stock shall consist, the time of its existence, not to exceed fifty years; the number of trustees and their names, who shall manage the affairs of the corporation for the first year, and the name of the city or town and county in which the principal office of such corporation is to be located.

Objects for which boards of trade or exchange may be formed.

How incorporated.

§ 2. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors and associates, shall be a body politic and corporate in fact and in name stated in such certificate; and by such name shall have power

Powers and duties of the corporation.

1. To sue and be sued; complain and defend, in any court of law or equity.

2. To make and use a common seal, and alter the same at pleasure.

3. To appoint such subordinate officers and agents as the business of the corporation may require, and to allow them a suitable compensation.

4. To make by-laws not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock.

Liability
of stock-
holders.

§ 3. When the whole capital of any corporation formed under this act shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of such share as fixed in the certificate of incorporation, or such proportion of that sum as shall be required to satisfy the debts of the corporation, and in the event of such corporation not having any capital stock, then the trustees thereof shall be jointly and severally liable for all debts incurred by the corporation while they were trustees thereof, and for the recovery of which suit shall be brought within two years from the time such indebtedness accrued.

Of trustees.

Trustees,
election
and qualifi-
cations of.

§ 4. The stock, property, affairs and concerns of such corporations shall be managed by not less than twelve trustees, who shall be members of such corporation and citizens of the United States, and a majority of whom shall be citizens of this state, who shall, except the first year, be annually elected by the members at such time and place as shall be designated by the by-laws of the corporation, and who shall hold office for the term of one year, or until their successors are elected. Public notice of the time and place of holding such election shall be published for at least ten days prior thereto, in some newspaper published in the city or county where the principal office of such corporation is located, and posted in a conspicuous place in the office of such corporation, and the election shall be made by such of the members as shall attend for that purpose, in person or by proxy; and, in case such corporation possesses a capital stock, each member shall be entitled to cast as many votes as he owns shares of stock in said corporation, and the persons receiving the greatest number of votes shall be trustees. When any vacancy occurs in the board of trustees by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the by-laws of the corporation.

Notice of
election.

Election.

Vacancy.

Officers.

§ 5. There shall be a president of the corporation who shall be designated from the number of the trustees, and also such subordinate officers as the corporation by its by-laws may designate, who may be elected or appointed, and required to give security for the faithful performance of the duties of their office as the corporation by its by-laws may require.

May
acquire
property.

§ 6. Such corporations shall have power to acquire by lease or purchase such rooms, buildings, furniture or other property, as may be necessary for the use of the corporation, and not exceeding in value the sum of five hundred thousand dollars, and to borrow money for such purposes and to issue bonds therefor, and to secure the same by mortgage; and generally to acquire and take by gift, purchase, devise and bequest, subject to the provisions of law relating to devises and bequests by last will and testament or otherwise, real and personal property, and to hold, sell, convey, lease and mortgage the same, or any

part of such real and personal property, as may be necessary for the objects and carrying into effect the purposes of the corporation.

§ 7. Such corporations shall have power to admit and expel members in such manner as may be provided in the by-laws of such corporation. Control of members.

CHAP. 229.

AN ACT to regulate the reinsurance of the policy obligations of life insurance companies. Insurance.

PASSED May 4, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. No life insurance company, organized under the laws of this state, shall insure any of its outstanding risks or policy obligations in any other life insurance company except as hereinafter provided. Reinsurance.

§ 2. Any life insurance company, organized under the laws of this state, is hereby authorized and empowered to reinsure the whole or any part of any policy obligation in any other company or companies, provided the written consent of the owner of such policy so reinsured shall first be obtained to such reinsurance. Consent of owner to reinsurance.

§ 3. It shall be lawful for any receiver of any life insurance company organized under the laws of this state, to reinsure upon the written consent of the superintendent of the insurance department, and the attorney-general, the whole of the policy obligations of such company in any solvent company, or companies organized under the laws of this state, whenever the assets of the company of which he is receiver are sufficient to effect such reinsurance, and whenever such assets are not sufficient to effect such reinsurance, such receiver, upon the like consent as above provided, may reinsure a percentage of each and every policy obligation outstanding in such company to the extent that the assets of such company may be sufficient to effect such reinsurance, provided, however, that no contract effecting such reinsurance shall be entered into except in pursuance of an order of the court in which such receiver was appointed, directing reinsurances authorized by this section, and establishing the general form of the contract to effect the same. Reinsurance by receiver of company.

§ 4. This act shall take effect immediately.

CHAP. 241.

AN ACT to prevent the making and publication of false or deceptive statements in relation to the business of fire insurance. Insurance.

PASSED May 8, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall not be lawful for any company, corporation, association, individual or individuals now transacting, or now or here- False statements by

fire insurance companies.

after authorized, under any existing or future laws of this state to transact the business of fire insurance within this state, to state or represent, either by advertisement in any newspaper, magazine or periodical, or by any sign, circular, card, policy of insurance or certificate of renewal thereof, or otherwise any funds or assets to be in possession of any such company, corporation, association, individual or individuals, not actually possessed by such company, corporation, association, individual or individuals, and available for the payment of losses by fire, and held for the protection of holders of policies of fire insurance.

What advertisements, etc., to contain.

§ 2. Every advertisement or public announcement, and every sign, circular or card hereafter made or issued by any company, corporation, association, individual or individuals, or any officer, agent, manager or legal representative thereof, now or hereafter authorized by any existing or future laws of this state to transact the business of fire insurance within this state, which shall purport to make known the financial standing of any such company, corporation, association, individual or individuals, shall exhibit the capital actually paid in in cash and the amount of net surplus of assets over all liabilities of such company, corporation, association, individual or individuals, actually available for the payment of losses by fire and held for the protection of holders of their policies of fire insurance, including in such liabilities the fund reserved for reinsurance of outstanding risks; and shall correspond with the verified statement made by the company, corporation, association, individual or individuals making or issuing the same to the insurance department of this state next preceding the making or issuing of the same.

Items in policy.

§ 3. Nothing in this act shall be construed to prohibit any insurance company or association from publishing in any policy or certificate of renewal thereof a single item showing the amount of their capital as set forth in their charter, act of incorporation, deed of settlement or articles of association, under which they are authorized to transact the business of insurance.

Punishment for violation of act.

§ 4. Any violation of any provision of this act shall, for the first offense, subject the company, corporation, association, individual or individuals, guilty of such violation, to a penalty of five hundred dollars, to * sued for and recovered in the name of the people with costs and expenses of such prosecution by the district attorney of any county in which the company, corporation, association, or individual or individuals shall be located or may transact business, or in any county where such offense may be committed, and such penalty, when recovered, shall be paid into the treasury of such county for the benefit of the poor of said county. Every subsequent violation shall subject the company, corporation, association, individual or individuals guilty of such violation to a penalty of not less than one thousand dollars, which shall be sued for, recovered and disposed of in like manner as for the first offense.

§ 5. This act shall take effect ninety days after its passage.

CHAP. 244.

AN ACT to amend chapter two hundred and ninety-one of ^{Villages.} the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED May 9, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of title three of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read ^{Amending Laws 1870, ch. 291. 7 Edm. 680.} as follows:

§ 5. The trustees are authorized and empowered to organize a fire ^{Fire de-} department and provide for the government and discipline of the same, to consist of one or more engine companies, one or more hook and ladder companies, one or more hose companies and one or more protective companies; to appoint a sufficient number of suitable persons as members, not exceeding sixty to each engine company, not exceeding forty to each hook and ladder company, and not exceeding twenty to each hose and protective company, with the consent of the persons appointed. A foreman and assistant foreman for each company shall be chosen by the members of each company, in the manner to be directed by the trustees, and subject to their approval and ratification.

§ 2. This act shall take effect immediately.

Amended by ch. 144, L. 1880, post, p. 930.

CHAP. 245.

AN ACT authorizing the state treasurer and other state officers to publish in the state paper, monthly statements of bank balances, and for other purposes.

PASSED May 9, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state treasurer is hereby authorized and directed to cause to be published in the state paper, on or before the tenth day of each month, a detailed statement of the balances in the several banks designated by the canal board, commissioners of the canal fund, or other state officers, as depositories of state funds. Such statements shall give the name of each bank, and the amount subject to draft at the close of the month preceding such publication. ^{Monthly statement of balance in State depositories.}

§ 2. It shall be the duty of the comptroller, secretary of state, superintendents of the insurance and banking departments, and the clerk of the court of appeals, to cause to be published in said state paper similar statements, at the time and in the manner aforesaid, giving the name of the bank, and the amount on deposit at the close of the month preceding such publication, and it shall be the further duty of the state officers named in this section, to certify to the state

treasurer on or before the tenth day of the months of January, April, July and October, in each and every year, the amount on deposit, at the close of the quarter preceding such certificate, in each and all of the banks designated by them respectively, and the amounts so certified shall be transferred to the general depository of state funds in the city of Albany, by check signed by the state treasurer, and countersigned by the officer making the deposit.

§ 3. This act shall take effect immediately.

CHAP. 253.

AN ACT to amend chapter one hundred and seven of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the superintendent of state prisons, and for the more efficient and economical management of said prisons."

PASSED May 10, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1877,
ch. 107,
ante, p. 383.

SECTION 1. Section eight of chapter one hundred and seven of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the superintendent of state prisons, and for the more efficient and economical management of said prisons," is hereby amended so as to read as follows:

Prison
contracts.

§ 8. Contracts for the purchase of materials and supplies for the prisons, and for convict labor at any kind of work or trade which shall be approved by the superintendent, and for the sale of property manufactured at the prisons may be entered into by the agent and warden, subject to the approval of the superintendent.

§ 2. This act shall take effect immediately.

CHAP. 256.

AN ACT to amend chapter three hundred and seventy-one of the law of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs."

PASSED May 10, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1876,
ch. 371,
ante, p. 121.

SECTION 1. Section thirty-three of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks for their supervision and

for the administration of their affairs," is hereby amended so as to read as follows:

§ 33. It shall be the duty of the trustees of every such corporation to regulate the rate of interest or dividends not to exceed five per centum per annum, upon the deposits therewith, in such manner that depositors shall receive, as nearly as may be, all the profits of such corporation after deducting necessary expenses and reserving such amount as the trustees may deem expedient as a surplus fund for the security of depositors, which to the amount of fifteen per cent of their deposits, the trustees of any such corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business from the depreciation of its securities or otherwise; provided, however, that the trustees of any such corporation may classify their depositors according to the character, amount and duration of their dealings with the corporation, and regulate the interest or dividends allowed in such manner that each depositor shall receive the same ratable proportion of interest or dividends as all others of his class. It shall be unlawful for the trustees of any savings bank to declare or allow interest on any deposit for a longer period than the same has been deposited except that deposits made not later than the tenth day of the month, commencing any semi-annual interest period, or than the third day of any month, or withdrawn on one of the last three days of the month may have interest declared upon them for the whole of the period or month when so deposited or withdrawn. No dividends or interest shall be declared credited or paid except by the authority of a vote of the board of trustees, duly entered upon their minutes, whereon shall be recorded the ayes and nays upon each vote, and whenever any interest or dividends shall be declared and credited in excess of the interest or profits earned and appearing to the credit of the corporation, the trustees voting for such dividend shall be jointly and severally liable to the corporation for the amount of such excess so declared and credited. And it shall be the duty of the trustees of any such corporation whose surplus amounts to fifteen per cent of its deposits, at least once in three years, to divide equitably the accumulation beyond such authorized surplus as an extra dividend to depositors, in excess of the regular dividends hereinbefore authorized. A notice posted conspicuously* in the bank of a change in the rate of interest shall be equivalent to a personal notice.

§ 2. Section thirty-four of said act is hereby amended so as to read as follows:

§ 34. In determining the per cent of surplus held by any savings bank, its interest paying stocks and bonds shall not be estimated above their par value or above their market value if below par; its bonds and mortgages on which there are no arrears of interest for a longer period than six months, shall be estimated at their face, and its real estate at not above cost. Concerning such stocks or bonds, or bonds and mortgages as are in arrears of interest for six months or more and concerning all other investments not herein enumerated, the superintendent of the banking department shall determine the valuation of the same from the best information he can obtain, and he may change valuation thereof from time to time according as he may obtain other and further information.

§ 3. Section thirty-six of said act is hereby amended so as to read as follows:

Interest or dividends on deposits.

Surplus fund.

Classification of depositors as to dividends.

Interest not to be allowed for a longer period than the term of the deposit.

No dividends or interest to be declared except by trustees.

Trustees liable for dividends in excess of profits. Extra dividends.

Determination of per cent of surplus.

Valuation of stocks in arrears.

* So in the original.

Semi-
annual
report.

§ 36. Every such corporation shall, semi-annually on or before the first day of February and August in each year, make a report in writing to the superintendent of the banking department, and in such form as he shall prescribe, of its conditions on the morning of the first days of January and July preceding.

ante, p. 154.

§ 4. Section forty-five of said act is hereby amended so as to read as follows:

Commit-
tee of
trustees to
make
examina-
tion annu-
ally.

Statement
to superin-
tendent to
be based
on such
examina-
tion.;

¶
Semi-
annual
balance
of deposit-
or's ledger.

§ 45. It shall be the duty of the trustees of every savings bank, by a committee of not less than three of such trustees, on or before the first day of January and July in each year, to thoroughly examine the books, vouchers and assets of such savings bank and its affairs generally, and the statement or schedule of assets and liabilities reported to the superintendent of the banking department for the first of January and July in each year, shall be based upon such examination, and shall be verified by the oath of a majority of the trustees making such examination, but nothing herein contained shall be construed as prohibiting the trustees of any savings bank from requiring such examinations at such other times * they shall prescribe.

It shall be the duty of the trustees of any such corporation, as often as once in each six months during each year, to cause to be taken an accurate balance of their depositors' ledgers, and in their semi-annual report to the superintendent of the banking department, they shall state the fact that such balance has been taken, and shall state the discrepancies, if any, existing between the amount due to depositors as shown by such balances, and the amount due to depositors as shown by the general ledger.

§ 5. This act shall take effect on the first day of July, eighteen hundred and seventy-seven.

CHAP. 261.

AN ACT to punish trespassing on railroads.

PASSED May 10, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who shall willfully place any obstruction upon any railroad, or loosen, tear up or remove any part of a railroad, or displace, tamper or in any way interfere with any switches, frogs, rail, track, or other part of any railroad so as to endanger the safety of any train, or who shall willfully throw any stone or other missile at any train on any railroad, shall, upon conviction thereof, be punished by imprisonment in a state prison not exceeding ten years, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

§ 2. This act shall take effect immediately.

People v. Ling, 16 Hun, 549.

CHAP. 266.

AN ACT to amend chapter two hundred and eighty-eight of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate societies for the improvement of poultry, small birds, domestic animals, and fish culture."

PASSED May 10, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter two hundred and eighty-eight of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the * societies for the improvement of poultry, small birds and domestic animals, and fish culture," is hereby amended so as to read as follows :

Amending
Laws 1874,
chap. 288.
9 Edm. 898.

§ 1. Any number of persons not less than thirteen may associate and form an incorporation or company for the purpose of importing, raising and improving and breeding poultry, small birds, domestic and pet animals, and fish culture, and collecting and disseminating useful knowledge concerning them, by holding fairs, disbursing awards and premiums, and by publishing debates and transactions, and by such other lawful means as the members of the company may deem expedient, upon filing in the office of the secretary of state, and also in the office of the clerk of the county in which the business of said company is to be conducted, a declaration signed by all the incorporators, and acknowledged before any officer authorized to take the acknowledgment of deeds in this state, expressing their intention to form such company, together with a copy of the charter proposed to be adopted by them, and shall thereafter be a body corporate and politic by the name designated in said charter.

Companies
for the im-
provement
of poultry,
etc.

CHAP. 271.

AN ACT to legalize and confirm the drawing of the names of persons to serve as jurors.

PASSED May 12, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any drawing heretofore or hereafter made of the names of persons to serve as jurors at any circuit court, court of oyer and terminer, superior court, court of common pleas, county court or court of sessions pursuant to notice heretofore given and as required by the law as it was on the thirtieth day of April, eighteen hundred and seventy-seven, is hereby legalized and confirmed; and the jurors so

*So in the original.

drawn and the juries at any of said courts that may be constituted in whole or in part of the persons so drawn are hereby declared to be, are, and shall be legal, effectual, and valid.

§ 2. This act shall take effect immediately.

CHAP. 274.

AN ACT conferring certain powers on the clerk of the surrogate's court of the county of New York.

PASSED May 16, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Clerk may
sign and
certify
records.

SECTION 1. The clerk to the surrogate's court of the county of New York may sign and certify any of the records of said court, including the certificate required by law to be indorsed upon last wills and testaments, and also the certificate of the record thereof, and he may also sign and certify all the unsigned records of said surrogate's office in the same manner as the said surrogate is authorized and empowered to sign and certify said records by virtue of chapter nine of the laws of eighteen hundred and seventy-four.

Clerk may
issue
orders.

§ 2. The said clerk may also, under and subject to the direction of the surrogate, issue any order of said surrogate's court to which a party is entitled as of course, including orders to show cause where no injunction or stay of proceedings is granted in said order.

Effect of
certificate,
etc.
Limita-
tion.

§ 3. The certificate and signature of said clerk to said records and orders shall be as effectual for all the purposes thereof as if the same had been made by the said surrogate. But nothing herein contained shall be construed to authorize the said clerk to exercise any of the aforesaid powers, whenever the surrogate shall otherwise direct, or to deprive the surrogate of the power to do the same.

§ 4. This act shall take effect immediately.

Repealed by ch. 245, L. 1880. See Co. Civ. Proc., § 2509.

CHAP. 276.

AN ACT to prohibit the throwing of cinders, ashes, refuse and garbage into the waters of Long Island sound, and into the bays and harbors opening into the same.

PASSED May 17, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful to throw, or cause to be thrown, from any boat, scow or vessel whatsoever into the waters of Long Island sound, or into the bays and harbors opening into the same east of Throgg's Point or west of a line drawn from the north point of Lloyd's Neck, to the boundary line between the states of Connecticut and New York on Long Island sound, any cinders, ashes, refuse or garbage. Any person or persons offending against the provisions of this act shall be deemed guilty of a misdemeanor, and liable to imprisonment for a term of not less than six months, and to a fine of not less than five hundred dollars in the discretion of the court for each and every offense, and may be arrested by the authorities of either of the counties of Queens or Westchester. The courts in said counties shall have power and jurisdiction to try said offenders, whether the offense was committed within their respective counties or not. Out of any moneys received for fines under this act, such sum or sums shall be allowed and paid for the expenses and disbursements attending the arrest as the court or magistrate may deem reasonable and proper. The remainder shall be paid to the supervisors of the county in which such action is tried, for the benefit of the poor of said county.

§ 2. This act shall take effect immediately.

CHAP. 285.

AN ACT in relation to certain matters and proceedings in surrogates' courts in cases of disqualification. Surrogates courts.

PASSED May 19, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever in any county there shall be no officer qualified to act as surrogate in any matter or proceeding therein in the surrogates' court thereof, it shall be the duty of the surrogate of such county to make a certificate of such disqualification, specifying the ground thereof and the name of the surrogate of an adjoining county, and file the same in his office and thereupon jurisdiction of such cause shall be vested in the surrogate so specified, and such further proceedings shall be had thereon before him, as might have been had before him the first-mentioned surrogate, but for such disqualification.

When surrogate of adjoining county may act. Amended ch. 811, 1879.

Repealed by ch. 245, L. 1880. See Co. Civ. Proc., § 2485.

CHAP. 296.

AN ACT to provide for the removal of eel weirs and other devices for taking fish, from the Delaware river, or of any of its tributaries, and to prevent the maintenance of such devices.

PASSED May 19, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Eel weir,
fish basket,
etc., etc.,
not to be
maintained in
Delaware
river.

Duty of
sheriffs.

Removal
of eel
weirs, etc.

Expenses.

Penalty for
neglect of
sheriff to
perform
duty.

Punish-
ment of
offenses
under this
act.

SECTION 1. It shall not be lawful for any person or persons to place, build or maintain in any of the waters of the Delaware river, or of any of the tributaries thereof, within the jurisdiction of this state, any fish basket, eel weir, kiddle, brush or fascine net, or any other permanently set means of taking fish in the nature of a seine, which are known to be wasteful and extravagant modes of fishing.

§ 2. The sheriffs of the counties having jurisdiction of said streams, or the sheriff of the county in which any such device for taking fish may or shall be placed, in the streams aforesaid, whenever he shall discover or be informed of the existence of any such device or contrivance for the catching of fish, shall give ten days' notice in two newspapers published in said county, that the said contrivances are known to exist and are declared common nuisances, ordering them to be dismantled by their owners* or managers, so as to render them no longer capable of taking or injuring the fishes of the stream of whatever kind; and if, at the expiration of the said ten days, the dismantling shall not have taken place, then the said sheriff shall proceed, with such force, good men of the county, as shall be necessary for the purpose, and destroy or dismantle the said fish baskets, kiddles, eel weirs, or such other devices contemplated by this section, so that they may be no longer capable of taking or injuring fish; and the board of supervisors of said county shall audit and allow to said sheriff his reasonable and necessary expenses in performing the duties required by this act, and a reasonable compensation for the time necessarily employed in the performance thereof; and if, upon being duly informed by a reputable citizen of the county, that said nuisances are in existence and require abatement, the said sheriff shall not proceed as directed in this act, then he, upon conviction of such neglect of duty, shall be fined not less than twenty-five nor more than one hundred dollars for every such neglect; said fines to be collected by civil action upon the complaint of the person so notifying said sheriff of the existence of such contrivance, or of any overseer of the poor of the town in which said contrivance or nuisance* and shall be paid to the county treasurer for the benefit of the poor fund of such county.

§ 3. Any person or persons who shall, after the first day of June, eighteen hundred and seventy-seven, place, build, or maintain in any of the waters of the Delaware river, or its branches, as mentioned in the first section of this act and within the jurisdiction of this state, any fish basket, eel weir, kiddle, brush or fascine net, or other permanently set means for taking fish in the nature of a seine, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace, or any court having jurisdiction thereof shall* be punished by a fine not less than ten nor more than fifty dollars, said fine, when collected, to be paid to the county treasurer for the benefit of the poor fund of said county.

§ 4. This act shall take effect on the first day of June, eighteen hundred and seventy-seven.

* So in the original.

See § 40, ch. 534, L. 1879, post, p. 881.

CHAP. 311.

AN ACT in relation to corporations or joint-stock companies of other states, territories, or dominion of Canada.

PASSED May 22, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever, by the laws of any other state or territory, or the dominion of Canada, a copy of the certificate of organization or incorporation or any other certificate, certified or exemplified by any officer or officers in such state or territory or dominion, is, or shall be prima facie evidence of the due formation, creation, existence, organization or capacity of any corporation or joint-stock company, created, organized or located in such state, territory or dominion, or claiming so to be, such certificate or certificates, duly exemplified, or a duly exemplified copy thereof, shall be received in all actions and proceedings in this state, in or before all courts and officers, with the same force and effect in all respects as prima facie evidence as aforesaid, as in such other state, territory or dominion.

Evidence of corporate existence of foreign corporations.

CHAP. 312.

AN ACT in relation to the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons, and the superintendent of the state lunatic asylum for insane convicts at Auburn, and to fix the rate of interest to be paid on convict deposits.

PASSED May 22, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of March, eighteen hundred and seventy-seven, the compensation of the several officers, keepers, guards, matrons and teachers of the Sing Sing, Auburn and Clinton prisons shall be as follows: To each of the agents and wardens of said prisons, three thousand and five hundred dollars per year; to the physicians of each of said prisons two thousand dollars per year; to the principal keepers of each of said prisons, fifteen hundred dollars per year; to the clerk of each of said prisons, two thousand dollars per year; to the chaplain of each of said prisons, two thousand dollars per year; to the kitchen keepers of each of said prisons, twelve hundred dollars per year; to the store keeper of each of said prisons, twelve hundred dollars per year; to the hall keeper of each of said prisons, twelve hundred dollars per year; to the yard keeper of each of said prisons, one thousand dollars per year; to the keepers of each of said prisons, nine hundred dollars per year; to the sergeant of guard at each of said prisons, nine hundred dollars per year; to the guards of each of said prisons, seven hundred and eighty dollars per year; to the matron at Sing Sing prison, seven hundred and eighty dollars per year; to each of the assistant matrons at Sing Sing prison, six hundred and sixty dollars per year; to each of the male teachers at each of said prisons, three hundred dollars per year, and to each of the female teachers at each of said prisons, two hundred dollars per year, which salaries to male and female teachers shall be in full for all services performed at the prisons by

Compensation of officers of state prisons.

State lunatic asylum.

Offices may be left vacant.

Interest on convict deposits.

them. The salary of the superintendent of the state lunatic asylum for insane convicts at Auburn shall be two thousand dollars per year.

§ 2. The superintendent of state prisons may leave vacant, or require to be left vacant, any subordinate offices or positions now established by law, filled by appointment by the agent and warden, with the approval of the superintendent, in any of the state prisons which he may consider unnecessary for the protection of the property of the state, or for the safe-keeping of the convicts. And the compensation prescribed by this act for the several keepers, guards, matrons, teachers and other officers, except agent and warden, physician, chaplain and clerk, may, from time to time, be otherwise fixed and prescribed by the superintendent, but shall not, in any case, exceed the compensation now allowed by law.

§ 3. The interest on convict deposits shall hereafter be paid at the rate of five per centum per annum.

§ 4. All provisions of law inconsistent with this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 318.

AN ACT to suspend the operation of parts of chapters four hundred and forty-eight and four hundred and forty-nine of the laws of eighteen hundred and seventy-six, to continue in force the laws superseded thereby, and to regulate proceedings in civil actions.

PASSED May 22, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Suspending the revised code of civil procedure.

SECTION 1. The operation of all the provisions of chapters four hundred and forty-eight and four hundred and forty-nine of the laws of eighteen hundred and seventy-six, except sections three hundred and three to three hundred and six, both inclusive, and sections one thousand and twenty-seven to one thousand one hundred and eighty, both inclusive, of said chapter four hundred and forty-eight, and so much of subdivisions two and seven, of section five of said chapter four hundred and forty-nine, as applies to said sections, is hereby suspended until the first day of September, eighteen hundred and seventy-seven, when the same shall again go into and remain in full force and effect.

Provisions as to summons issued before suspension.

§ 2. Any summons actually issued in an action on or after the first day of May, eighteen hundred and seventy-seven, and before this act takes effect, shall not be deemed invalidated or affected in any manner by the provisions of this act, and the same may be served upon any of the defendants, and judgment by default for want of appearance or answer may be taken as if this act had not been passed; or if the defendant answers, the proceedings in the action to the service of the first pleading therein shall be the same as if this act had not been passed.

Provision for proceedings commenced after May 1st.

§ 3. No proceeding in an action or a special proceeding, taken as prescribed in chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, on or after the first day of May, eighteen hundred and seventy-seven, and before this act takes effect, shall be invalidated or impaired by this act, but the subsequent proceedings, except as otherwise provided in the sections mentioned in section one of this act or as otherwise expressly prescribed in the last preceding section, shall conform, as nearly as may be, to the provisions of law regulating proceedings in actions and special pro-

ceedings as they existed on the thirtieth day of April, eighteen hundred and seventy-seven, and the court shall, upon proper application, allow, without costs, any amendment or other proceeding which may be necessary for that purpose.

§ 4. All actions or special proceedings commenced after this act takes effect, and all proceeding after this act takes effect in an action or special proceeding commenced before this act takes effect, shall be conducted as prescribed by law for that purpose, in force on the thirtieth day of April, eighteen hundred and seventy-seven, until the first day of September next, except as otherwise prescribed in this act.

§ 5. Chapter four hundred and forty-nine of the laws of eighteen hundred and seventy-six is hereby amended as follows:

1. In section five the words "the first day of May, eighteen hundred and seventy-seven," are stricken out whenever they occur and the words "the first day of September, eighteen hundred and seventy-seven," are inserted in place thereof, except that the words "the first day of May, eighteen hundred and seventy-seven," are retained in subdivision seven of that section, so far as they apply to title third or title fourth, or article first of title fifth of chapter ten of the said chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six.

When code to go into operation.

Exceptions.

2. In section fifteen of the said act the words "the thirtieth day of April, eighteen hundred and seventy-seven," are stricken out and the words "the thirty-first day of August, eighteen hundred and seventy-seven," are substituted in place thereof, except so far as they apply to title third or title fourth, or article first of title fifth of chapter ten of the said chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six.

§ 6. The provisions of law which were in force on the thirtieth day of April, eighteen hundred and seventy-seven, and which were superseded in whole or in part by the provisions of said chapters four hundred and forty-eight and four hundred and forty-nine of the laws of eighteen hundred and seventy-six, except the provisions superseded by sections three hundred and three to three hundred and six thereof, both inclusive, and sections one thousand and twenty-seven to one thousand one hundred and eighty thereof, both inclusive, shall be operative and continue in full force and effect until the first day of September, eighteen hundred and seventy-seven.

Old code reinstated.

§ 7. This act shall take effect immediately.

CHAP. 319.

AN ACT making certified copies of records in the offices of the comptroller of the state of New York and the treasurer of the state of New York evidence in the courts of this state.

PASSED May 23, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Copies of all the official records in the offices of the comptroller and treasurer of this state, certified by the officer in whose office they are kept, shall in all cases be evidence equally and in like manner as the originals.

§ 2. This act shall take effect immediately.

See Co. Civ. Proc., § 933.

CHAP. 320.

AN ACT relative to the bonded indebtedness of cities, villages, towns and counties.

PASSED May 23, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the bonds of any city, village, town or county shall have been issued and sold by the proper authorities, and the time fixed for the maturity of such bonds, or any of them, shall be for a longer period than that provided by the law under which they were issued, a variance not exceeding sixty days shall not be regarded or held as affecting the validity of such bonds.

§ 2. Nothing in this act contained shall affect any litigation now pending.

§ 3. None of the provisions of this act shall apply to the counties of Orleans and Niagara.

§ 4. This act shall take effect immediately.

See Laws 1878, chaps. 75, 817, post, pp. 524, 622.

CHAP. 321.

AN ACT to amend chapter three hundred and forty-one of the laws of eighteen hundred and seventy-six, entitled "An act regulating the forfeiture of life insurance policies."

PASSED May 23, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and forty-one of the laws of eighteen hundred and seventy-six, entitled 'An act regulating the forfeiture of life insurance policies, is hereby amended so as to read as follows:

§ 1. No life insurance company doing business in the state of New York shall have power to declare forfeited or lapsed any policy hereafter issued or renewed by reason of non-payment of any annual premium or interest, or any portion thereof, except as hereinafter provided. Whenever any premium or interest due upon any such policy shall remain unpaid when due, a written or printed notice stating the amount of such premium or interest due on such policy, the place where said premium or interest should be paid, and the person to whom the same is payable, shall be duly addressed and mailed to the person whose life is assured, or the assignee of the policy, if notice of the assignment has been given to the company, at his or her last known post-office address, postage paid by the company, or by an agent of such company or person appointed by it to collect such premium. Such notice shall further state that unless the said premium or interest then due shall be paid to the company or to a duly appointed agent or other person authorized to collect such premium within thirty days after the mailing of such notice, the said policy and all payments thereon will become forfeited and void. In case the payment de-

Amending
Laws 1876,
chap. 341,
ante, p. 406.

Policies
not to be
declared
forfeited
for non-
payment
without
notice to
pay.

manded by such notice shall be made within the thirty days limited therefor, the same shall be taken to be in full compliance with the requirements of the policy in respect to the payment of said premium or interest, any thing therein contained to the contrary notwithstanding; but no such policy shall in any case be forfeited or declared forfeited or lapsed until the expiration of thirty days after the mailing of such notice. Provided, however, that a notice stating when the premium will fall due, and that if not paid the policy and all payments thereon will become forfeited and void, served in the manner hereinbefore provided, at least thirty and not more than sixty days prior to the day when the premium is payable, shall have the same effect as the service of the notice hereinbefore provided for.

§ 2. The affidavit of any one authorized by section one to mail such notice, that the same was duly addressed to the person whose life is assured by the policy, or to the assignee of the policy, if notice of the assignment has been given to the company, in pursuance of said section, shall be presumptive evidence of such notice having been given.

Evidence
of notice.

See ch. 347, L. 1879, post, p. 772.

CHAP. 322.

AN ACT to amend an act entitled "An act respecting elections other than for militia and town officers," passed April fifth, eighteen hundred and forty-two," as amended by chapter six hundred and ninety-eight of the laws of eighteen hundred and seventy-two.

PASSED May 24, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The third subdivision, of the sixth section, of the second title, of chapter one hundred and thirty of the laws of eighteen hundred and forty-two, as amended by chapter six hundred and ninety-eight of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Amending
Laws of
1842, chap.
130.
9 Edm. 422.
1 Id. 118.

§ 3. *When a vacancy exists in the office of any senator or member of assembly, occurring after the first day of January, in any year, the same shall be filled at the first election held thereafter in any such district where such vacancy may occur, or at a special election to be called by the governor for that purpose; provided such vacancy occurs during the first year of the term of any senator, or before the first day of March in the second year of the term of any senator. But no vacancy shall be filled for the office of member of assembly, unless the same shall occur on or before the first day of April, in any year, unless the legislature is in session at the time such vacancy and election shall take place. The person elected to fill such vacancy shall receive and be paid the full annual salary for the year in which he shall be elected to fill such vacancy, and in case the deceased member shall have been paid the whole or any part of such salary, for such year, the legislature shall make such appropriation as may be necessary to pay such salary. The provisions of this act shall apply to members of the legislature of the year one thousand eight hundred and seventy-seven, elected to fill vacancies therein.

Vacancy in
office of
senator or
member of
assembly.

§ 2. This act shall take effect immediately.

* So in the original.

CHAP. 344.

Highway
labor.

AN ACT to authorize railroad corporations to pay commutation money for highway labor to the commissioners of highways of towns.

PASSED May 28, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Railroad
companies
may
commute.

SECTION 1. Whenever any railroad corporation assessed in any town or road district for highway labor shall elect to commute therefor as provided by law, such corporation shall pay the commutation money to the commissioner or commissioners of highways of the town for the benefit of the road district or districts in such town in which the property of such corporation may be situated. And said commissioner or commissioners shall distribute said money to the overseers of highways of such road districts, to be applied and expended by such overseers in the improvement of the roads and bridges in their respective districts as is now provided by law.

Limita-
tion.

§ 2. This act shall not apply to incorporated villages which constitute a separate road district nor shall it have the effect to repeal or modify chapter sixty-six of the laws of eighteen hundred and seventy-two.

§ 3. This act shall take effect immediately.

Amended 1878, ch. 44, post, p. 513.

CHAP. 349.

Municipal
aid to rail-
roads.
7 Edm. 517.

AN ACT to provide for the payment of bonds issued by municipal corporations under the provisions of chapter nine hundred and seven, laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads," and the acts amendatory thereof.

PASSED May 28, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Railroad
commis-
sioners
to report
annually
amount of
bonds,
date, time,
etc.

SECTION 1. It shall be the duty of the commissioners appointed under the provisions of chapter nine hundred and seven, laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad companies, and to regulate the same,' passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads," and the acts amendatory thereof, to report annually the total amount of bonds issued under said chapter nine hundred and seven, laws of eighteen hundred and sixty-nine, and the acts amendatory thereof, by the town, city, or village represented by such commissioners; the date and time when the principal of said bonds will become due, the rate and times of payment of interest thereon, the amount of such principal or interest paid, the amount of said principal or interest due and unpaid and to become due before the annual tax levy and collection of tax for the year next succeeding, and the amount in their hands applicable to the payment of the principal of said bonds or the interest thereon.

The
report.

§ 2. Such report shall be in writing, signed by the said commissioners, or a majority of them, and there shall be affixed to said report an affidavit of at least one of the commissioners that such report is in all respects true and correct. The commissioners shall deliver said report to the board of supervisors of the county within three days after the commencement of the annual meeting of said board of supervisors.

§ 3. It shall be the duty of the board of supervisors, at the annual meeting, when such report is received, to cause to be levied and raised by tax on the taxable property of said town, city or village, the amount necessary to pay the principal and interest due and to become due at any time prior to the annual tax levy and collection of tax for the year then next succeeding, as shown by said report, after deducting moneys on hand for the purpose. The amount so levied and raised by tax, when so collected, shall be paid over to the said commissioners to be by them applied to the purpose for which it was so collected. And all money now in the hands of the supervisor of any town, or officer of any city or village applicable to the payment of the principal of said bonds, or interest thereon, shall be, on demand, paid to such commissioners, and any money hereafter raised under the provisions of the act hereby amended, which by law is to be applied to the payment of said bonds, or interest thereon, shall, in like manner, be paid to said commissioners. But before any money shall be so paid to such commissioners, they shall severally execute to the town, city or village, and deliver to the town clerks of towns, or the clerk of cities or villages, a bond with two or more sureties in double the amount of the money to be so received by them, as near as can be ascertained, conditioned for the proper and due disbursement of such money, and the proper accounting therefor, which bond shall be first approved by the supervisor, or the county judge, and by the mayor or president of cities or villages, and said bond shall be renewed annually.

Board of supervisors to cause amount due to be raised.

Amount to be paid over to commissioners. Money to be paid commissioners.

Commissioners to execute bond.

§ 4. It shall be the duty of said commissioners to pay the principal and interest of said bonds at the maturity thereof, and on making such payments the bond or interest coupons paid shall be canceled by said commissioners by cutting out a portion of said bonds or coupons; and a full record of all bonds and interest coupons paid and canceled shall be kept by said commissioners, which record shall be at all times open to the inspection of the supervisor, members of the board of town auditors, and justices of the peace of towns, or the members of common councils or trustees of cities or villages; and said commissioners shall report in writing to the board of town auditors of towns, at their annual meeting, and to the common council or trustees of cities or villages, on the first day of April of each year, the date, number and amount of all bonds and interest coupons paid by them and canceled during the past year, and since their last report, and shall, at the same time, produce and deliver to the said town auditors, common council or trustees, the bonds and interest coupons canceled by them, taking a receipt therefor, which shall set forth the date, number and amount of each bond or coupon. Said commissioners, at the time of making such report, shall also file with the town clerk of towns, and clerk of cities and villages, a duplicate thereof. The said town auditors and the common council or trustee, as the case may be, shall indorse upon the report so received from the commissioners, that the bonds and interest coupons mentioned therein, duly canceled, were received by them from the commissioners, if such is the case, and if all or any of them are not so received, so state in the indorsement. They shall then deposit said canceled bonds and coupons with said report, in the office of the clerk of the county for safe keeping. Nothing in this act contained shall in any manner apply to or affect the town of Orleans, in the county of Jefferson, or any officer thereof, or any money raised by tax on the property therein, or to any bonds except such as were given under the act mentioned in the foregoing title.

Commissioners to pay bonds.

To keep record.

To report.

Duplicate

Report to be indorsed.

Limitation in application.

§ 5. The provisions of this act shall not apply to the counties of Oswego, Madison, Erie, Orleans, Niagara and Genesee.

§ 6. This act shall take effect immediately.

CHAP. 374.

AN ACT to amend chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend the act passed April twenty-seven, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend the act passed February seventeen, eighteen hundred and forty-eight,' entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April twentieth, eighteen hundred and seventy-one," and also to amend chapter nine hundred and sixty of the laws of eighteen hundred and sixty-seven, entitled "An act to authorize the consolidation of corporations organized under the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February seventeenth, eighteen hundred and forty-eight, or any of the acts amending or extending the same."

PASSED June 2, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1874,
ch. 149.
9 Edm. 866.

SECTION 1. Section one of chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend the act passed April twenty-seven, eighteen hundred and seventy-two, entitled 'an act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one,' entitled 'An act to amend the act passed February seventeen, eighteen hundred and forty-eight,' entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April twentieth, eighteen hundred and seventy-one," is hereby amended so as to read as follows:

Companies, how
to be
formed.
Amended
by L. 1873,
ch. 290, and
L. 1880, ch.
241, post,
pp. 757, 957.

§ 1. At any time hereafter any three or more persons who may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical or chemical business, or the business of printing and publishing books, pamphlets and newspapers, or the business of preserving and dealing in meats, or the business of making butter, cheese, concentrated or condensed milk, or any other products of the dairy, or the business of erecting buildings for church sheds, or laundry purposes, and the carrying on of laundry business, or the business of slaughtering animals, or for the purpose of towing or propelling canal boats, vessels, rafts or floats on the canals and navigable rivers of the state of New York, by animal or steam power, their operations not to be confined to the county in which their certificate shall be filed, may make, sign and acknowledge, before some officer competent to take the

Certificate.

acknowledgment of deeds, and file in the office of the clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the secretary of state, a certificate in writing, in which shall be stated the corporate name of the said company, and the objects for which the company shall be formed, the amount of the capital stock of the said company, the term of its existence (not to exceed fifty years), the number of shares of which the said stock shall consist, the number of trustees, and their names, who shall manage the concerns of said company for the first year, and the names of the town and county in which the operations of the said company are to be carried on.

Contents
of.

§ 2. Section one of chapter nine hundred and sixty of the laws of eighteen hundred and sixty-seven, entitled "An act to authorize the consolidation of corporations organized under the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, or any of the acts amending or extending the same," is hereby amended so as to read as follows:

Amending
Laws 1867,
ch. 960.
7 Edm. 234.

§ 1. Any two or more corporations organized under the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, or any of the acts amending or extending the same, whenever the objects for which such companies had been respectively organized were the same or of a similar nature, are hereby authorized to consolidate such companies into a single corporation in manner following: The trustees of any two or more of such corporations may enter into and make an agreement, under their respective corporate seals, for the consolidation of the said corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of trustees thereof (not less than three nor more than thirteen), the names of the trustees who shall manage the concerns of the new company for the first year and until others shall be elected in their places, the name of the town or towns, county or counties, in which the operations of the new company are to be carried on; and if such companies proposed to be consolidated, or either of them, shall have been organized for the purpose of carrying on any part of their or its business in any place out of this state, and the said new company shall propose to carry on any part of its business out of this state, the said agreement shall so state, and it shall also state the name of the town or city and county in which the principal part of the business of said new company within this state is to be transacted; the amount of capital and number of shares of the stock into which the same is to be divided (which capital shall not be larger in amount than the aggregate amount of capital of the several companies thus to be consolidated, and shall not be increased except in accordance with the provisions of the said first mentioned act, passed February seventeenth, eighteen hundred and forty-eight); the manner of converting the shares of capital stock in each of said corporations into the shares of such new corporation, with such other particulars as they may deem necessary, not inconsistent with the provisions of the said act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, and the acts amending or extending the same.

Consolidation,
how
effected.

§ 3. This act shall take effect immediately.

CHAP. 380.

AN ACT to amend chapter three hundred and sixty-eight of the laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes."

PASSED June 2, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1865,
ch. 368.
6 Edm. 478.

Powers
and duties.

Real
estate.

Constitu-
tion,
by-laws,
etc.

Yachting
clubs.

Subject to
provisions
of Revised
Statutes.

Exception.

SECTION 1. Section two of chapter three hundred and sixty-eight of the laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes," is hereby amended so as to read as follows:

§ 2. Upon filing a certificate as aforesaid, the persons who shall have signed and acknowledged such certificate, and their associates and successors, shall thereupon, by virtue of this act, be a body politic and corporate by the name stated in such certificate, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued; and they and their successors may have and use a common seal, and may alter and change the same at pleasure; and they and their successors by their corporate name shall, in law, be capable of taking, receiving, purchasing, leasing and holding real estate for the purposes of their incorporation, and for no other purpose, to an amount not exceeding the sum of five hundred thousand dollars in value, exclusive of the buildings and improvements thereon, and personal estate for like purposes, to an amount not exceeding the sum of one hundred and fifty thousand dollars in value, exclusive of the buildings and improvements on its said real estate and the furnishing of its club-house, but the clear annual income of such real and personal estate shall not exceed the sum of fifty thousand dollars; to make and adopt a constitution, by-laws, rules and regulations for the government of said corporation, and for the admission, voluntary withdrawal, censure, suspension and expulsion of its members, for the establishing and collection of the fees and dues of its members, the number and election of its officers, and to define their duties and compensation, and for the safe-keeping of its property, and from time to time to alter, modify or change such constitution, by-laws, rules and regulations; provided, however, that no constitution, by-laws, rules or regulations shall be made or adopted by said corporation which shall be inconsistent with the constitution and laws of the United States or this state. The by-laws of any society or club for yachting purposes may provide that the qualified voters of such society or club be limited to the owners of yachts, in such manner that the owners of each yacht shall, together, cast but one vote in the meetings of such society or club, and in the election of its officers, trustees, directors or managers.

§ 2. Section nine of said act is hereby amended so as to read as follows:

§ 9. Each corporation formed under this act shall possess the general powers conferred by and be subject to the provisions and restrictions of the third title of the eighteenth chapter of the first part of the Revised Statutes (except that each corporation so formed shall have the power to issue its stock and bonds, or either, to an amount

equal to the value of its real estate, provided, however, that prior to any such issue the value of said real estate shall be appraised on oath by three freeholders of the county in which such real estate is situated, approved by the county judge, and their appraisal filed in the county clerk's office, and in the principal office of said corporation, and for all issued in excess of said appraised value the officers, trustees, directors or managers issuing the same shall be jointly and severally liable).

§ 3. This act shall take effect immediately.

CHAP. 398.

AN ACT to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-two, entitled "An act relative to the setting of fykes and other nets in Harlem and East rivers."

PASSED June 2, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and thirty six of the laws of eighteen hundred and seventy-two, entitled "An act relative to the setting of fykes and other nets in Harlem and East rivers," is hereby amended so as to read as follows:

Amending
ch. 436,
Laws 1872,
§ 9 Edm. 371.

§ 1. It shall not be lawful for any person to set or use, for the purpose of taking or capturing fish, a fyke or set-net, or other net, in the waters of the Harlem river or of the East river, or the adjacent waters, or of the confluent brooks within five miles, in any direction from the Middle Gate, so-called, in said East river, or in any of the adjacent waters or confluent brooks of the main shore and located between the said middle gate and Fort Schuyler.

§ 2. This act shall take effect immediately.

CHAP. 401.

AN ACT to amend chapter seven hundred and sixty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the constitution."

PASSED June 4, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter seven hundred and sixty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the constitution," is hereby amended so as to read as follows:

Amending
ch. 767,
Laws 1872,
§ 9 Edm. 473.
See ante, p.
377.

§ 1. The annual salaries of the county judges and surrogates, in the several counties of this state, except in the county of New York, from and after the expiration of the respective terms of the present incum

Salaries of
county
judges.

bents, are hereby established as follows, namely: The salary of the county judge of the county of Kings is hereby fixed at the sum of ten thousand dollars. The salaries of the county judges of the counties of Albany and Westchester are hereby fixed at the sum of four thousand five hundred dollars each. The salary of the county judge of the county of Erie is hereby fixed at the sum of five thousand dollars. The salaries of the county judges of the counties of Onondaga, Oneida and Monroe are hereby fixed at the sum of four thousand dollars each. The salary of the county judge of Rensselaer county is hereby fixed at the sum of three thousand five hundred dollars. The salaries of the county judges of the counties of Saratoga, Ulster, Dutchess, and Orange, are hereby fixed at the sum of three thousand dollars each. The salary of the county judge of the county of Queens is hereby fixed at the sum of two thousand five hundred dollars. The salaries of the county judges of the counties of Chautauqua, Cayuga, Columbia, and Ontario are hereby fixed at the sum of two thousand dollars each. The salaries of the county judges of the counties of Cattaraugus, Oswego, Jefferson, and Niagara are hereby fixed at the sum of one thousand five hundred dollars each. The salary of the county judge of Otsego county is hereby fixed at the sum of one thousand eight hundred dollars. The salary of the county judge of Washington county is hereby fixed at one thousand two hundred dollars. The salary of the county judge of the county of St. Lawrence is hereby fixed at one thousand seven hundred and fifty dollars.

§ 2. Section two of said act is hereby amended so as to read as follows:

Of surrogates.

§ 2. The salary of the surrogate of the county of Kings is hereby fixed at the sum of ten thousand dollars. The salaries of the surrogates of the counties of Albany and Westchester are hereby fixed at the sum of four thousand dollars each. The salaries of the surrogates of the counties of Onondaga, Rensselaer, Monroe, and Oneida are hereby fixed at the sum of three thousand five hundred dollars each. The salaries of the surrogates of the counties of Queens, Dutchess, Ulster, and Orange, are hereby fixed at the sum of three thousand dollars each. The salaries of the surrogates of the county of Saratoga and Columbia are hereby fixed at the sum of two thousand five hundred dollars each. The salary of the surrogate of the county of Cayuga is hereby fixed at the sum of two thousand dollars. The salary of the surrogate of the county of St. Lawrence is hereby fixed at one thousand seven hundred and fifty dollars. The salary of the surrogate of the county of Chautauqua is hereby fixed at the sum of one thousand six hundred dollars. The salaries of the surrogates of the counties of Cattaraugus, Oswego, Otsego, Niagara, Ontario, Washington, and Jefferson are hereby fixed at the sum of one thousand five hundred dollars each. The salary of the surrogate of the county of Erie is hereby fixed at the sum of four thousand five hundred dollars. The salary of the surrogate of the county of New York shall be twelve thousand dollars.

§ 3. Section three of said act is hereby amended so as to read as follows:

Of county judges acting as surrogates.

§ 3. The salaries of the county judges who perform the duties of the office of surrogate are hereby fixed in the counties named and at the sums stated, as follows: In the counties of Warren, Franklin, Schenectady, Wayne, Rockland, Lewis, and Delaware, two thousand dollars each. In the counties of Chenango, Madison, Greene, Herkimer, Livingston, Chemung, Clinton, and Broome, three thousand

dollars each. In the counties of Steuben and Richmond, three thousand five hundred dollars each. In the counties of Schoharie, Cortland, Sullivan, Genesee, Essex, Tioga, Tompkins, Montgomery, Wyoming, and Suffolk, two thousand five hundred dollars each. In the county of Allegany, two thousand seven hundred and fifty dollars. In the county of Fulton, two thousand two hundred and fifty dollars. In the county of Hamilton, eight hundred dollars. In the county of Seneca, one thousand dollars. In the county of Orleans, two thousand dollars. In the counties of Schuyler, Yates, and Putnam, one thousand five hundred dollars each. Whenever, in any county where there is now a separate county judge and surrogate, the supervisors shall decide to have but one officer to act as county judge and surrogate, that decision shall take effect at the expiration of the term of the surrogate then in office, and from and after the expiration of such term, the county judge shall also be surrogate, and his salary shall then be increased one-half.

§ 4. The appropriations to his own use by the surrogate of any county, or other misappropriation, or the withholding by him of any moneys directed by the board of supervisors of such county to be paid for clerk hire, is hereby declared to be a misdemeanor.

Misconduct of surrogate.

CHAP. 404.

AN ACT to provide for the disposition and sale of certain lateral canals of this state, and the lands, rights and other property connected therewith.

Lateral canals. Amended 1878, ch. 844, post, p. 632.

PASSED June 4, 1877; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following canals of this state shall, at and after the respective periods hereinafter specified, be abandoned and discontinued as canals, and be no longer subject to the control or authority of any of the canal boards or officers of this state, except as hereinafter specified.

Abandonment of lateral canals.

§ 2. All that portion of the Chenango canal commencing at and lying south of the stone culvert in the village of Hamilton, in the county of Madison, and what is called and known as the Chenango canal extension, and its appurtenances, shall be abandoned and discontinued on and after the first day of May, eighteen hundred and seventy-eight; but no reservoir, feeder or property belonging to the state now used for the purposes of said canal at a point northerly of said culvert shall be disposed of or sold; neither shall the Madison brook reservoir and feeder therefrom, the Kingsley brook reservoir and feeder therefrom, the Woodsman's pond and feeder therefrom, the Leland's ponds and feeder therefrom be sold or disposed of. Nor shall the waters of said reservoirs necessary to feed the Erie canal be permanently diverted from the channels hitherto used, but a supply of water for the uses of the State Lunatic Asylum at Utica, shall at all times be maintained by the canal authorities. The Chemung canal, at the close of navigation in eighteen hundred and seventy-eight. The Crooked Lake canal, on and after the passage of this act. The Genesee Valley canal, on and after the thirtieth day of September, eighteen hundred and seventy-eight.

Chenango canal.

Chemung. Crooked Lake. Genesee Valley.

When and
how to be
sold.
Amended
1878, ch.
344, post, p.
632 and 1879,
ch. 522,
post, p. 815.

§ 3. It shall be the duty of the canal commissioners or superintendent of public works, subject to the approval of the canal board, as soon as practicable after the passage of this act, except as hereinafter provided, to advertise for sale and to sell the following property belonging to this state, namely: The Crooked Lake canal, its appurtenances and the water privileges connected therewith: Provided, the hydraulic action and the natural flow of the outlet of said lake shall not be diverted or changed; any of the provisions in this bill to the contrary notwithstanding: Also, immediately after the close of navigation in the year eighteen hundred and seventy-eight, to advertise for sale and to sell that portion of the Chenango canal as described in section two of this act, also the Chemung canal and its feeders, branches, appurtenances and water privileges. And after the close of navigation in the year eighteen hundred and seventy-eight, the Genesee Valley canal, its feeders, branches, appurtenances and water privileges. When the Chemung canal shall cease to be used as such, the water power, rights and privileges on the Chemung river, so far as they were taken and appropriated for the purposes of the canal, shall revert to the person or persons from whom they were taken, or to their successors in interest, and in any sale of that canal, such rights shall be reserved.

Advertis-
ing sale.

§ 4. It shall be the duty of said commissioners or superintendent to advertise for such sale, daily, for twelve weeks, immediately prior to such sale, in the state paper at Albany, and in such papers published on the line of said canals as said commissioners or superintendent may select, and to give in such advertisements such a description of the property to be sold as will enable bidders to estimate the value thereof.

Estimate
and
appraisal.

§ 5. It shall be the duty of said commissioners or superintendent, and the commissioners of the canal fund, to cause an estimate and appraisal to be made, by competent persons, of such portions of said canals as run through or near cities or villages, and of their inlets and outlets, as may be desired by such cities or villages, for hydraulic, hygienic or fire purposes, and also of such portions thereof as it may be deemed expedient or profitable to sell as water privileges.

When
cities and
villages
to have
option.

§ 6. Such cities and villages shall have the right and option of taking and purchasing such portions of said canals, with their inlets and outlets, as may be so appraised for such purpose, at the appraised value thereof, upon the payment of one-fourth of the purchase-price at the time of sale, and the balance thereof in six equal annual payments, with interest at six per cent per annum, to be secured by the bonds of the parties purchasing. The certificate of the canal commissioners or superintendent shall be given for the sale, but no deed shall be given therefor until the final payment of all the principal and interest due thereon, and a failure to pay the interest or any part thereof when due, shall give the state the right to declare such sale null and void, and all moneys paid thereon shall be forfeited to the state, and all rights in such lands shall revert to the state. The water privileges connected with such portions of the canals, so to be appraised for sale to municipalities, shall be included in such appraisals, and shall be sold with such portions of the canals, so that the ownership and control thereof may be vested in such municipalities.

Certificate
of sale.

Failure to
pay.

Water
privileges.

Who to
have
option on
sale.

§ 7. The person or persons who, at the time of such appraisals, are in the use and occupation, or are entitled to have the use and occupation of such water privileges as may be so appraised, and in cases where it shall appear that the title of the state to such lands was acquired by grant or otherwise from the owner or owners, and without the payment of any consideration therefor, such owner or owners, their heirs

and assigns, of the property adjoining, and from which the same has been taken, shall have the right and option of taking and purchasing the same at the appraised value thereof, upon such terms of payment as shall be reasonable and satisfactory on the part of the state and acceptable to such purchaser or purchasers.

§ 8. The material of the locks, aqueducts, bridges and other appurtenances of said canals, except such as are mentioned in section three of this act, shall be sold at public auction to the highest responsible bidder or bidders, on a day and hour, and at a place or places named in such advertisements, or as soon thereafter as may be, and, on such days to which such sales may be adjourned, upon such terms of payment as shall be reasonable and satisfactory on the part of the state, which shall be mentioned in the advertisements, and in such parcels as will, in the judgment of the commissioners or superintendent, be best calculated to secure the highest price therefor, upon the payment at the time of sale in cash, of the amount bid therefor, unless it shall be deemed for the interest of the state to retain them or dispose of them in some other manner.

Sale of materials of locks, etc.

§ 9. All such portions of said canals and their branches and feeders, so directed to be sold, as pass through farming lands and are not referred to in section five of this act, except as hereinafter provided, shall be conveyed by said superintendent or commissioners to the owners of the adjacent lands, the whole width thereof to the adjacent owner who is possessed of the fee on both sides thereof, and in cases where separate owners are in possession of the fee of the adjacent lands, then to the center of the prism of the canal to the owners on each side, upon the condition precedent that such owners shall, in writing, under their hand and seal, release the state from all obligation to maintain the bridges and other structures connected with such portions of the canals, and from all liability for damage arising from the abandonment thereof.

Sales to adjacent owners.

§ 10. It shall be the duty of said commissioners or superintendent, at all places in said canals which are not to be continued as channels of water for the use of persons or municipalities as purchasers under the provisions of this act, where the course of the neighboring streams had been interrupted and the water thereof directed into the canals, except where the water is needed for the purposes of the canals which are retained under the provisions of the constitution, and except such water privileges as may be sold as herein provided, to restore the streams to their original channels, and to take suitable measures to prevent the flow of the water thereof into the prisms of the abandoned canals.

Water-courses to be restored.

§ 11. Whenever the said commissioners or superintendent shall ascertain that the prism and banks of either of said canals, or any considerable portions of either, are desired by responsible parties or a responsible corporation or corporations as a bed for the construction of a railroad or for the continuance of the same as a canal, and that the same can be sold on as favorable terms and for as large an amount therefor as for other purposes, or where the use thereof is deemed for the interests of the locality through which the canal runs, the said canal commissioners or superintendent are hereby authorized to sell either or any such portion of either of said canals for such railroad or canal purposes, on obtaining proper guarantee that the same shall be so used, any thing hereinbefore contained to the contrary notwithstanding. All action by the canal commissioners or the superintendent, under this act, shall be only with the consent and approval of the canal board.

Sale for railroad or canal. Amended 1879, ch. 522, post, p. 815.

Proceeds.

§ 12. The proceeds of all sales, as aforesaid made, shall be applied, first, to the payment of the expenses incurred under this act, and the balance shall be paid into and become a part of the sinking fund to pay the interest and redeem the principal of the canal debt, as provided for in article seven, section three of the constitution of this state.

Claims
against
the state.

§ 13. No person or corporation shall have any claim against the state for or by reason of the abandonment or discontinuance of the said canals or any of them.

CHAP. 413.

AN ACT to prevent frequent changes of text-books in schools.

PASSED June 5, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Designa-
tion of
school
books.

SECTION * The boards of education, or such bodies as perform the functions of such boards in the several cities and villages of this state, shall have power, and it shall be their duty to adopt and designate text-books to be used in the schools under their charge in their respective districts. In the other school districts in the state the text-books to be used in the schools therein shall be designated at the first annual school meeting held after the passage of this act, by a two-thirds vote of all the legal voters present and voting at such school meeting.

Changes
of text-
books.

§ 2. When a text-book shall have been adopted for use in any of the public or common schools in this state, as provided in the first section of this act, it shall not be lawful to supercede the text-book so adopted by any other book within a period of five years from the time of such adoption, except upon a three-fourths vote of the board of education, or of such body as perform the functions of such board, where such board has made the designation, or upon a three-fourths vote of the legal voters present and voting at the annual school meeting in any other school district.

Penalty.

§ 3. Any person or persons violating any of the provisions of this act shall be liable to a penalty of not less than fifty dollars nor more than one hundred dollars for every such violation, to be sued for by any tax payer of the school district, and recovered before any justice of the peace, said fine, when collected, to be paid to the collector or treasurer for the benefit of said school district.

§ 4. This act shall take effect shall * immediately.

* So in the original.

CHAP. 415.

AN ACT for the protection of dairymen, and to prevent deception in sales of butter.

PASSED June 5, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person who shall manufacture for sale or who shall offer or expose for sale any article or substance in semblance of butter not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals not produced from milk, enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word "oleo-margarin," and in case of retail sale of such article or substance in parcels, the seller shall, in all cases, deliver therewith to the purchaser, a written or printed label bearing the plainly written or printed word "oleo-margarin," and every sale of such article or substance not so stamped, branded, marked or labeled, is declared to be unlawful, and no action shall be maintained in any of the courts of this state to recover upon any contract for the sale of any such article or substance not so stamped, branded, marked or labeled.

Imitation
butter to
be marked
and
labeled.

§ 2. Every person who shall knowingly sell or offer to sell, or have in his or her possession with intent to sell, contrary to the provisions of this act, any of the said article or substance required by the first section of this act to be stamped, marked or labeled as therein stated, not so stamped, marked or labeled, or in case of retail sale, without delivery of a label required by section one of this act, shall, for each such offense, forfeit and pay a fine of one hundred dollars, to be recovered, with costs, in any of the courts of this state having cognizance thereof, in an action to be prosecuted by the district attorney in the name of the people, and the one-half of such recovery shall be paid to the informer, and the residue shall be applied to the support of the poor in the county where such recovery is had.

Penalty.

§ 3. Every person who shall knowingly sell, or offer or expose for sale, or who shall cause or procure to be sold or offered or exposed for sale, any article or substance required by the first section of this act to be marked, branded, stamped or labeled, not so marked, branded, stamped or labeled, shall be guilty of a misdemeanor, and on trial for such misdemeanor, proof of the sale or offer or exposure alleged, shall be presumptive evidence of knowledge of the character of the article so sold or offered, and that the same was not marked, branded, stamped or labeled as required by this act.

Misde-
meanor.

Amended throughout by ch. 489, L. 1880, *post*, p. 1018.

CHAP. 416.

AN ACT to amend chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice, and civil proceedings," and to provide for the publication of the act as amended.

PASSED June 5, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

[Section one of this act made numerous amendments to the Code of Civil Procedure which was to go in effect in the following September. As they were all incorporated in the Code as published, it is quite unnecessary to print them here. Sections 2, 3 and 4 have been retained, as being likely to prove of permanent value to all interested in the history of the Code.]

Commis-
sioners to
correct
text of re-
vision, and
file cor-
rected
copy with
secretary
of state.

Code in
evidence.

Publica-
tion of
revised
code.

§ 2. The commissioners to revise the statutes are hereby authorized and required, within sixty days after the final adjournment of this session of the legislature, to correct the text of the act entitled "An act relating to courts, officers of justice and civil proceedings," passed June two, eighteen hundred and seventy-six, by incorporating therein the amendments made by this act, so that the text will read as it is intended by this act that it shall read, and by appending thereto any matters added thereto, by any act or acts supplemental to chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, passed at this session of the legislature. The commissioners must make the amendments and corrections specified in this act by causing the act, thus corrected and amended, to be written or printed in a book, and depositing the book in the office of the secretary of state, with a certificate thereupon, signed by the commissioners, or a majority of them, to the effect that it contains the correct text of the code of civil procedure, as amended and completed by the acts of the legislature passed since its enactment. The book so deposited shall be presumptive evidence of the matters so certified. A copy thereof may be read in evidence, if it contains a written or printed certificate of the secretary of state, or of the commissioners to revise the statutes, or a majority of them, to the effect that it is a correct transcript of the code of civil procedure, as amended and completed by the acts of the legislature, passed since its enactment.

§ 3. This act and any act or acts, passed at this session of the legislature, supplemental to chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, shall not be printed or published for the use of the state, or of any state department or state officer, or otherwise in any manner at the expense of the state, except in the volumes containing the laws of this session, to be printed and published as prescribed by law; nor shall they be printed or published in any newspaper at the expense of the state or of any county. Any act or acts, passed at this session of the legislature, supplemental to chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, and also the standard text of the code of civil procedure, prepared by the commissioners to revise the statutes, and deposited in the office of the secretary of state, as provided for by the last preceding section of this act, with the certificate of the said commissioners thereupon, shall be printed in a separate volume of the session laws, which shall contain no other law passed at this session, and the said standard text of the code of civil procedure shall be separately indexed at the end of the said volume, but the other act or acts in the said volume shall not be indexed.

§ 4. This act shall take effect on the first day of September, eighteen hundred and seventy-seven.

CHAP. 417.

AN ACT to repeal certain acts and parts of acts.

PASSED June 5, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following acts and parts of acts, heretofore passed by the legislature of the state, are hereby repealed, to wit:

1. Of the first part of the revised statutes:

Sections twenty-four, twenty-five, twenty-six and twenty-seven, of title fourth of chapter fifth.

2. Of the second part of the revised statutes:

(1.) Sections five and six of title fifth of chapter first.

(2.) Sections sixteen, seventeen and twenty-seven of chapter third.

(3.) The following portions of chapter fifth:

All of article first of title first.

The concluding portion of section seventeen of article sixth of the same title, beginning with the words "but whenever any person shall have remained charged."

Rev. Stat.
Part. I.
II.

3. Of the third part of the revised statutes :

(1.) The following portions of chapter first.

All of article third of title first.

All of title second, except sections thirty-eight, thirty-nine, forty-three and forty-five, and articles sixth and seventh of that title.

All of title third.

Sections one to twenty-seven, both inclusive, and section forty-five of title fourth.

All of title fifth, except sections four, five, six, seven, twenty-one, twenty-four, twenty-five, twenty-seven, twenty-eight and twenty-nine thereof, and except so much of sections eleven and fourteen thereof, as relates to criminal courts.

(2.) The following portions of chapter second :

Sections two hundred and forty-five, two hundred and forty-six, two hundred and forty-seven and two hundred and forty-eight of title fourth.

(3.) All of chapter third, except section fourteen of title first ; and sections forty, forty-one, forty-four, forty-five and forty-eight, and sections fifty-four to sixty-one, both inclusive, of title second.

(4.) Sections twenty-two to twenty-nine, both inclusive, of title fifth of chapter fifth.

(5.) All of chapter sixth, except sections twelve and thirteen of title second ; section fourteen of title fourth ; and articles first and second of title sixth.

(6.) All of chapter seventh, except sections fifteen and sixteen of title second ; and sections sixty-three to seventy, both inclusive, and sections seventy-four, seventy-five and seventy-six of title third.

(7.) The following portions of chapter eighth :

All of title first.

All of title second.

Section eight of title third.

All of article first of title fourth, except sections one to three thereof, both inclusive, and sections twelve to fifteen thereof, both inclusive.

The following portions of title sixth, to wit : so much of sections sixteen to twenty-one thereof, both inclusive, as relates to petit jurors, and sections thirty-seven to forty-two thereof, both inclusive.

Section one of title thirteenth.

All of title seventeenth, except sections one, thirteen, fourteen, fifteen, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-two and thirty-five thereof.

(8.) The following portions of chapter ninth :

All of title third, except section sixty-six thereof, and so much of article third thereof as applies to appeals from surrogates' courts.

4. All of the code of procedure, except the following sections and parts of sections thereof, to wit : Co. Proc.

Sections one to eight, both inclusive.

The introductory clause, and subdivisions two, ten and eleven of section thirty.

Sections fifty-two to seventy one, both inclusive.

Section one hundred and eleven.

Section one hundred and twelve.

Section one hundred and eighteen.

Section one hundred and thirty-two.

The introductory clause, and subdivisions one and four of section one hundred and thirty-six.

Section one hundred and sixty-six.

The concluding portion of section one hundred and sixty-seven, beginning with the words "in actions to foreclose mortgages."

Sections two hundred and six to two hundred and seventeen, both inclusive.

Section two hundred and twenty-four.

Section two hundred and forty-three.

The introductory clause, and subdivisions three and four of section two hundred and forty-four.

Those portions of section two hundred and fifty-six, which are not inconsistent with or superseded by the act chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice and civil proceedings."

That portion of section two hundred and sixty-one, beginning with the words "in an action for the recovery of specific personal property," and ending with the words "or taking and withholding such property."

Section two hundred and seventy-seven.

The concluding portion of section two hundred and eighty-four, beginning with the words "when judgment shall have been rendered."

Sections two hundred and ninety-two to three hundred and nine, both inclusive.

Sections three hundred and eleven to three hundred and twenty-two, both inclusive.

Section three hundred and fifty-one to three hundred and seventy-one, both inclusive.

Sections three hundred and seventy-five to three hundred and eighty-one, both inclusive.

Sections four hundred and twenty-seven to four hundred and sixty-nine, both inclusive.

Sections four hundred and seventy-one to four hundred and seventy-three, both inclusive.

L. 1881. 5. Of the laws of eighteen hundred and thirty-one:

Chapter one hundred and ninety-one.

L. 1882. 6. Of the laws of eighteen hundred and thirty-two:

Chapters one hundred and twenty-eight, one hundred and fifty-eight, and two hundred and seventy-six.

L. 1883. 7. Of the laws of eighteen hundred and thirty-three:

Chapters fourteen, one hundred and fifty-nine, and one hundred and eighty-seven.

All of chapter two hundred and seventy-one, except section six thereof.

L. 1884. 8. Of the laws of eighteen hundred and thirty-four:

Chapters ninety-four, and two hundred and sixty-two.

L. 1885. 9. Of the laws of eighteen hundred and thirty-five:

Chapters one hundred and fifty-nine, one hundred and eighty-nine, one hundred and ninety-seven and two hundred and eleven.

L. 1886. 10. Of the laws of eighteen hundred and thirty-six:

Chapters four hundred and thirty-nine, four hundred and ninety-nine, and five hundred and twenty-five.

L. 1887. 11. Of the laws of eighteen hundred thirty-seven:

Chapters* ninety-three, one hundred and sixty-four, four hundred and sixty-two, and four hundred and sixty-eight.

L. 1888. 12. Of the laws of eighteen hundred and thirty-eight:

Chapter one hundred and twenty-nine.

* So in the original.

13. Of the laws of eighteen hundred and thirty-nine:

L. 1839.

Chapter one hundred and sixteen.

Sections one, two, five, six, nine, ten, fourteen, fifteen, seventeen, eighteen and twenty of chapter two hundred and ten.

All of chapters three hundred and three, three hundred and seventeen, and three hundred and forty-six.

14. Of the laws of eighteen hundred and forty:

L. 1840.

Chapter two hundred and fifty-one, except sections nine and ten thereof.

All of chapter two hundred and seventy-six.

15. Of the laws of eighteen hundred and forty-one:

L. 1841.

Chapters one hundred and ninety-three, two hundred and twenty-four, two hundred and forty-two, two hundred and seventy-two, and two hundred and eighty-two.

16. Of the laws of eighteen hundred and forty-two.

L. 1842.

Chapter one hundred and nine, except section five thereof.

Section one of chapter one hundred and fifty-seven.

17. Of the laws of eighteen hundred and forty-three:

L. 1843.

Chapters eighty-eight, and one hundred and eighty-eight.

18. Of the laws of eighteen hundred and forty-four:

L. 1844.

Chapter one hundred and four, except section two thereof.

All of chapters one hundred and forty-eight, two hundred and ninety-five, and three hundred and twenty-four.

19. Of the laws of eighteen hundred and forty-five:

L. 1845.

Chapter twenty-four.

Section one of chapter one hundred and twelve.

All of chapters one hundred and thirty-three, one hundred and sixty-three, two hundred and twenty-nine, two hundred and thirty-one, two hundred and thirty-four, and three hundred and three.

20. Of the laws of eighteen hundred and forty-six:

L. 1846.

Chapters two, thirty-two, seventy-five, one hundred and twenty, one hundred and fifty, two hundred and forty, and two hundred and forty-three.

21. Of the laws of eighteen hundred and forty-seven:

L. 1847.

Chapter eighty-five.

Section one of chapter one hundred and thirty-four.

Section fifteen of chapter two hundred and seventy-six.

Sections twelve, thirteen and fourteen, of chapter two hundred and seventy-seven.

All of chapter two hundred and eighty, except the following portions thereof, to wit: article first and article fifth; sections twenty-two, twenty-five, thirty-two, thirty-three, thirty-seven and sixty-five; and so much of sections twenty-eight and forty-five as applies to surrogates' courts.

All of chapter three hundred and seventy-seven.

Sections two and three of chapter three hundred and ninety.

Sections one to six, both inclusive, of chapter four hundred and ten.

All of chapter four hundred and seventy, except sections fourteen, twenty-six, thirty-two, thirty-three, thirty-five, forty-five and fifty-three thereof.

All of chapter four hundred and ninety-five, except the last sentence of section two thereof.

22. Of the laws of eighteen hundred and forty-eight:

L. 1848.

Chapters two hundred and twenty-two, two hundred and twenty-

four, two hundred and seventy-seven, three hundred and seventy-nine, and three hundred and eighty.

L. 1842. 23. Of the laws of eighteen hundred and forty-nine:

Chapter eight.

All of chapter one hundred and twenty-four, except sections one and thirteen thereof.

All of chapter one hundred and twenty-five, except sections one, eleven, twelve, twenty, and twenty-one thereof, and sections twenty-seven to thirty-nine thereof, both inclusive; but the repeal of section ten does not affect section five of chapter sixty-six of the laws of eighteen hundred and sixty-three; and the repeal of section twenty-four does not affect section twelve of chapter four hundred and seventy of the laws of eighteen hundred and seventy.

Sections five, eight, nine and ten, of chapter one hundred and forty-four.

Section thirty-two of chapter two hundred and twenty-six.

All of chapters three hundred and thirty-three, and three hundred and thirty-seven.

Sections eleven to eighteen, both inclusive, of chapter four hundred and thirty-nine.

L. 1850. 24. Of the laws of eighteen hundred and fifty:

Chapters one, fifteen and forty-one.

Sections one to ten, both inclusive, of chapter one hundred and two.

Chapter one hundred and twenty-eight.

Sections one, two, three, four, nine and ten, of chapter one hundred and thirty-eight.

Section three of chapter two hundred and twenty-five.

All of chapters two hundred and forty-five, two hundred and sixty and two hundred and ninety-five.

L. 1851. 25. Of the laws of eighteen hundred and fifty-one:

Chapters two, and twenty-one.

Sections seven, eight, and ten, of chapter forty-three.

All of chapters two hundred and two, and two hundred and eleven.

All of chapter four hundred and eighty-eight, except the concluding portion of section two thereof, beginning with the words "and in case of the inability or omission."

L. 1852. 26. Of the laws of eighteen hundred and fifty-two.

Chapter forty-four.

All of chapter three hundred and fourteen, except section one thereof.

All of chapter three hundred and seventy-four, except sections seven and eight thereof.

Sections four, six, seven, nine and ten, of chapter three hundred and eighty-nine.

L. 1853. 27. Of the laws of eighteen hundred and fifty-three:

So much of chapter ninety-one, as amends sections seven and ten of chapter forty-three of the laws of eighteen hundred and fifty-one.

All of chapter three hundred and thirty-eight, except section four thereof.

All of chapters three hundred and eighty-seven, and four hundred and fifty-four.

So much of section nine of chapter four hundred and ninety-eight, as relates to petit jurors.

All of chapters five hundred and eleven, five hundred and twenty-nine, and five hundred and fifty-four.

Sections one, two, and three, of chapter six hundred and seventeen.

L. 1854. 28. Of the laws of eighteen hundred and fifty-four:

Chapter seventy-five.

All of chapter ninety-six, except sections six, twelve, twenty-six and twenty-seven thereof, and sections thirty to thirty-nine thereof, both inclusive.

Sections one, five, and six, of chapter one hundred and ninety-eight.

Sections one and two of chapter two hundred and seventy.

29. Of the laws of eighteen hundred and fifty-five:

L. 1855.

Chapter two hundred and seventy-nine.

Section three of chapter three hundred and ten.

All of chapter five hundred and thirty.

30. Of the laws of eighteen hundred and fifty-six:

L. 1856.

Chapter one hundred and sixty-six.

31. Of the laws of eighteen hundred and fifty-seven:

L. 1857.

Chapter sixty.

Section two of chapter one hundred and eighty-three.

Section six of chapter two hundred and ninety-five.

All of chapter three hundred and sixty-one, except sections nine and ten thereof.

All of chapter five hundred and sixty-seven.

32. Of the laws of eighteen hundred and fifty-eight:

L. 1858.

Chapters thirty-seven, one hundred and seven, and two hundred and forty-four.

All of chapter three hundred and twenty-two; except sections one to five thereof, both inclusive; sections thirty to thirty-five thereof, both inclusive, and sections thirty-seven and thirty-eight thereof.

Section two of chapter three hundred and thirty-four.

33. Of the laws of eighteen hundred and fifty-nine:

L. 1859.

Chapter one hundred and thirty-four.

Section two of chapter one hundred and seventy-nine.

All of chapter one hundred and ninety-eight.

Section three of chapter two hundred and twelve.

Section one of chapter two hundred and sixty-two.

Section two of chapter two hundred and sixty-seven.

All of chapters three hundred and seventy-nine, and four hundred and forty.

34. Of the laws of eighteen hundred and sixty:

L. 1860.

Chapter six, and one hundred and sixty-seven.

So much of chapters one hundred and eighty-seven and two hundred and two, as requires the graduates therein specified, to be admitted to practice, upon the production of their diplomas.

35. Of the laws of eighteen hundred and sixty-one:

L. 1861.

Chapters eight, sixty-one, seventy-three, eighty-six, two hundred and ten, and two hundred and eighty-eight.

36. Of the laws of eighteen hundred and sixty-two:

L. 1862.

Chapters fifty-three, eighty-six, two hundred and fifty-one, and three hundred and seventy-five.

Section four of chapter three hundred and seventy-eight.

All of chapter four hundred and seventy-one.

Sections one and two of chapter four hundred and eighty-four.

37. Of the laws of eighteen hundred and sixty-three:

L. 1863.

All of chapter sixty-six, except section five thereof.

All of chapters one hundred and eighty-six, two hundred, two hundred and six and two hundred and twelve.

Section three of chapter two hundred and forty-six.

The second sentence of section one of chapter four hundred and twelve.

So much of section one of chapter five hundred and six, as relates to petit jurors.

L. 1864.

38. Of the laws of eighteen hundred and sixty-four:

Chapters forty-six, ninety-five, five hundred and forty-three and five hundred and seventy-eight.

L. 1865.

39. Of the laws of eighteen hundred and sixty-five:

All of chapter one hundred and seventy, except section six thereof, as amended by section one of chapter seven hundred and ninety-six of the laws of eighteen hundred and sixty-seven.

Chapter two hundred and eighteen.

Section one of chapter two hundred and ninety-six.

The concluding portion of section one of chapter three hundred and nine beginning with the words, "and in any action in any of the courts."

All of chapters five hundred and twelve, and five hundred and fifty-five.

L. 1866.

40. Of the laws of eighteen hundred and sixty-six:

Chapters one hundred and seventy-four, one hundred and seventy-five, three hundred and eleven, four hundred and twenty-two, four hundred and thirty-seven, five hundred and eighty-eight and seven hundred and eighty-two.

Sections one to ten, both inclusive, of chapter eight hundred and twenty-one.

L. 1867.

41. Of the laws of eighteen hundred and sixty-seven:

Chapters one hundred and sixteen, two hundred and eleven, two hundred and seventy-one, three hundred and eighty-three and four hundred and ninety-four.

The first sentence of section three of chapter seven hundred.

All of chapter seven hundred and eighty-four.

Sections two and three of chapter seven hundred and ninety-six.

All of chapter eight hundred and eighty-seven, except so much thereof as relates to proceedings in a criminal cause.

L. 1868.
Amended
1878, ch.
408, post, p.
654.

42. Of the laws of eighteen hundred and sixty-eight:

Chapter five hundred and ninety-six.

All of chapter seven hundred and sixty-five, except sections one and three thereof.

L. 1869.

43. Of the laws of eighteen hundred and sixty-nine:

Chapters ninety-nine and one hundred and thirty-three.

Section one of chapter one hundred and fifty-seven.

All of chapter four hundred and eighteen.

Section five of chapter four hundred and thirty-three.

All of chapters five hundred and eighty-nine, and six hundred and twenty-six.

Section one of chapter six hundred and sixty-four.

All of chapters six hundred and seventy-four, eight hundred and seven and eight hundred and thirteen.

L. 1870.

44. Of the laws of eighteen hundred and seventy:

Chapter forty-nine.

Section eight of chapter eighty-six.

All of chapter three hundred and thirteen, except sections eight and ten thereof.

Sections one to eight, both inclusive, and sections ten to fourteen, both inclusive, of chapter four hundred and eight.

All of chapter four hundred and nine.

Section one of chapter four hundred and sixty-seven.

All of chapter four hundred and seventy, except sections one, eight,

nine, ten, twelve and eighteen thereof; but the repeal of section twenty does not affect section seven of chapter two hundred and eighty-two of the laws of eighteen hundred and seventy-one.

All of chapter five hundred and thirty-nine, except sections seventeen, twenty-six, twenty-seven and twenty-eight thereof, and so much of section seven thereof as relates to grand jurors.

Sections one, three and five of chapter five hundred and eighty-two.

Sections one and two of chapter six hundred and forty-eight.

45. Of the laws of eighteen hundred and seventy-one:

L. 1871.

Chapters sixteen and two hundred and eight.

All of chapter two hundred and eighty-two, except section seven thereof.

All of chapter four hundred and eighty-six.

The concluding portion of section five of chapter five hundred and eighty-three, beginning with the words "and all actions or proceedings in which the mayor."

Section two of chapter six hundred and three.

All of chapters seven hundred, seven hundred and ten, seven hundred and thirty-three, seven hundred and forty-four, and seven hundred and sixty-six.

Sections one and five of chapter seven hundred and ninety-nine.

46. Of the laws of eighteen hundred and seventy-two:

Chapters sixteen, one hundred and thirty-nine, and two hundred and sixty.

L. 1872.
Amended
1878, ch. 345,
post, p. 684.

All of chapter four hundred and thirty-eight, except so much as relates to criminal courts.

All of chapters four hundred and ninety-nine, five hundred and nineteen, five hundred and thirty-five, and five hundred and thirty-eight.

Sections one, three, eight and twelve of chapter six hundred and twenty-nine.

All of chapters six hundred and eighty-eight and seven hundred and seventy-eight.

47. Of the laws of eighteen hundred and seventy-three:

L. 1873.

So much of sections one and two of chapter seventy as prescribes a preference of causes on the calendars of courts.

Section one of chapter one hundred and sixty-five.

Section one of chapter one hundred and sixty-six.

All of chapters one hundred and ninety-six, two hundred and twelve, two hundred and thirty-nine, and two hundred and ninety-nine.

So much of chapter four hundred and twenty-seven as relates to civil causes.

Sections two and three of chapter four hundred and fifty-three.

All of chapter six hundred and three.

48. Of the laws of eighteen hundred and seventy-four:

L. 1874.

Chapter fifty-two.

All of chapter fifty-seven, except section three thereof.

All of chapter two hundred and thirty-two, except section five thereof.

All of chapter three hundred and twenty-two.

Sections four, five, eight and thirteen of chapter five hundred and forty-five.

49. Of the laws of eighteen hundred and seventy-five:

L. 1875.

Chapters three and thirty-two.

Section five of chapter forty-nine.

All of chapters fifty-two, one hundred and twenty-seven, one hundred and thirty-one, one hundred and thirty-nine, and one hundred and sixty-seven.

Sections one and four of chapter two hundred and fifty-one.

All of chapter three hundred and sixty-six.

All of chapter four hundred and seventy-nine, except section forty-one thereof, sections forty-three to fifty-two thereof, both inclusive, and sections fifty-four and fifty-five thereof.

All of chapter six hundred and sixteen.

Repeals of amendments.

References in preceding section.

§ 2. The repeal, by the last preceding section, of the portions of the revised statutes and of the code of procedure therein specified effects also the repeal of so much of the existing laws as expressly amends the portions so repealed, by adding to or otherwise altering the text thereof. The description contained in the last preceding section of statutes, other than the revised statutes or the code of procedure, refers to the statutes as they appear in the volumes of the laws of each session, printed and published by the state printer until the year eighteen hundred and forty-two, and after that year under the direction of the secretary of state.

Qualifications.

Prior proceeding.

§ 3. The repeal, effected by the first section of this act, is subject to the following qualifications:

1. It does not render ineffectual, or otherwise impair, any proceeding in an action or special proceeding, taken, according to any provision of the existing laws, before this act takes effect; and where it would render ineffectual, or otherwise impair such a proceeding, that provision must be deemed to remain unrepealed, for the purpose of avoiding such a result.

Prior acts and rights.

2. It does not affect any lawful act done, or right accrued or established, before this act takes effect; but every such act or right remains as valid and effectual, as if this act had not been passed.

Prior offenses.

3. It does not affect any offense committed, or penalty or forfeiture incurred, before this act takes effect; except that the proceedings in a civil action or special proceeding, brought by reason thereof, are subject to the provisions of the laws in force after that time.

Criminal actions.

4. It does not affect the jurisdiction, power, or authority of any court or judge, in a criminal action or special proceeding, nor does it affect any future proceeding, taken, according to the existing laws, in such an action or special proceeding; except as otherwise prescribed in subdivision eighth of this section, or in the act chapter four hundred and forty-nine of the laws of eighteen hundred and seventy-six, entitled "An act explaining, defining, and regulating the effect and application of, and otherwise relating to, the act, passed at this session of the legislature, entitled 'An act relating to courts, officers of justice, and civil proceedings.'"

N. Y. common pleas.

5. It does not affect the jurisdiction, power, or authority of the court of common pleas for the city and county of New York, in an appeal from a determination of the marine court of the city of New York; or of a district court of that city, or any proceeding upon such an appeal.

Other courts.

6. It does not affect the power or authority of a court, other than the supreme court, a superior city court, the marine court of the city of New York, or a county court, in an action or special proceeding, of which such a court retains jurisdiction, under the laws in force after this act takes effect; nor does it affect any future proceeding taken, according to the existing laws, in such an action or special proceeding,

except as otherwise prescribed in the act, specified in subdivision fourth of this section.

7. It does not affect the jurisdiction, power or authority of a mayor's or recorder's court, or of a judge thereof, in or over an action or special proceeding, commenced in such a court, before this act takes effect; nor does it affect any future proceeding, taken, according to the existing laws, in such an action or special proceeding; except as otherwise prescribed in the act, specified in subdivision fourth of this section.

Mayor's or
recorder's
court.

8. It does not affect any list or drawing of grand or petit jurors, or the ballots containing their names, prepared or made according to the existing laws, until a new list or new ballots are prepared, or a new drawing is made, as prescribed in the act, chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice, and civil proceedings," and in the act specified in subdivision fourth of this section. Nor does it affect the qualifications or exemptions of grand or petit jurors, until the provisions of those acts, relating to the same subjects, take effect.

Jurors.

9. It does not affect an execution issued out of a court of record, before this act takes effect; or the proceedings taken by virtue of such an execution, including the sale of property, and the redemption of real property, or a chattel real, sold by virtue thereof. All such proceedings are governed by the provisions of the existing laws, relating thereto; which provisions, for that purpose, remain in force, as if this act had not been passed.

Execu-
tions.

10. It does not affect any provisions of the existing laws, prescribing the place or places where one or more terms of a court, other than the terms of the court of appeals, or the general terms of the supreme court, must or may be held.

Terms of
court.

11. Except as otherwise prescribed in section two of this act, the repeal of any provisions of the existing laws, which has * been amended by a subsequent provision of those laws, not expressly repealed by this act, does not affect the subsequent provision.

Subse-
quent
amend-
ment.

12. The repeal of any provision of the existing laws does not revive any law repealed by the latter.

Old laws
not re-
vived.

13. The repeal of a law heretofore repealed is not to be construed as a declaration or implication, that the repealed law has been in force, at any time subsequent to the formal repeal.

Repeal of
repealed
laws.

14. The repeal of a portion of a law is not to be construed as reviving any other portion of that law, which has been expressly or impliedly repealed by a law subsequently enacted.

Revival.

15. Where a provision of the existing laws, incorporated into, or adopted, or otherwise referred to, in any provision of the existing laws, remaining in force after this act takes effect, is repealed, that provision, nevertheless, remains in force, for the purpose to which it is so referred to, and for no other; except that where it has been revised in and made a part of the act chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice and civil proceedings," the reference is to be construed as applying to the appropriate provisions so revised.

When cer-
tain pro-
visions re-
main in
force.

16. The repeal of any of the existing laws creating, or otherwise relating to, an office or employment, where the same, or a corresponding office or employment, is provided for or recognized, in the act, specified in subdivision fifteen of this section, or in any of the existing

Offices or
employ-
ment.

laws, remaining in force, after this act takes effect, does not create a vacancy therein, or affect the compensation of the incumbent.

Provision
as to law
schools.
Amended
1873-ch. 126.

L. 1879, ch.
35, ch. 267,
ch. 349, and
1880, ch. 58.
post, p. 906.

"Existing
laws."

17. The repeal of the laws, conferring upon a graduate of the law department of the University of Albany, or of the law department of the University of the City of New York, or of the law school of Columbia college, or of the law department of Hamilton college, the right to be admitted to practice as an attorney and counselor at law, upon the production of his diploma, does not affect the right of a person who was a student in, or was graduated by, either of those departments of schools, on or before the first day of April, eighteen hundred and seventy-six, to be so admitted, at any time within one year after this act takes effect, upon his complying with the existing laws relating to the admission of such a graduate to practice.

§ 4. The term "existing laws," as used in this act, designates the statutes of the state, remaining unrepealed on the day before this act takes effect.

§ 5. This act shall take effect on the first day of September, eighteen hundred and seventy-seven.

CHAP. 419.

AN ACT authorizing licenses to keep taverns without including a license to sell spirituous or intoxicating liquors.

PASSED June 5, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Licenses to keep taverns, pursuant to the laws of this state, may be granted by the commissioners of excise, in the several cities and towns of this state, or by any board or officers exercising the power of such commissioners, without including a license to sell strong or spirituous liquors, ale, wines, beer or alcoholic drink, and in all such cases the license shall express such restrictions on its face, and a fee of five dollars may be charged for granting such license, and no more; but no such license shall be given until the bond required to be given by tavern-keepers is executed and delivered to said commissioners.

§ 2. This act shall take effect immediately.

CHAP. 420.

AN ACT to amend chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors."

PASSED June 5, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 628,
Laws 1857.
4 Edm. 46.

SECTION 1. Section fifteen of chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," is hereby amended so as to read as follows:

§ 15. No inn, tavern or hotel keeper, or any other person licensed to sell any strong or spirituous liquors or wines, shall, either personally, or by his wife, servant, employe or other agent, sell or give any such liquors or wines to any Indian or apprentice, knowing or having reason to believe him to be such, or within the knowledge of such agent, without the consent of his master or mistress, nor to any minor under the age of eighteen years, without the consent of his father or mother, or guardian. Whoever shall either personally or by his wife, servant, employe or other agent, offend against either of these provisions, shall forfeit ten dollars for each and every offense, to be recovered by the master of such apprentice or servant, or by the parent or guardian of such minor; and any person who shall, either personally or by his wife, servant, employe or other agent, sell or give away any strong or spirituous liquor, ale, beer or wine to any Indian in this state, or shall sell any beer, ale, wine or any strong or spirituous liquor to any minor under the age of fourteen years, knowing or having reason to believe such minor to be under such age, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine of twenty-five dollars for each and every offense.

Sales to
Indians
and
minors.

§ 2. This act shall take effect immediately.

See 17 Hun, 591.

CHAP. 423.

AN ACT to amend chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine, entitled "An act to establish an insurance department."

PASSED June 6, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine is hereby amended so as to read as follows:

§ 6. There shall be assigned to the said superintendent, by the trustees of the state hall, suitable offices in the city of Albany, for conducting the business of said department; and the said superintendent shall, from time to time, furnish the necessary furniture, stationery, fuel, lights and other proper conveniences for the transaction of the said business, the expenses of which, together with the rent of said offices, shall be paid on the certificate of the superintendent and the warrant of the comptroller.

Amending
ch. 366,
Laws 1859.
4 Edm. 263.
Offices of
superin-
tendent of
insurance
depart-
ment.

§ 2. This act shall take effect immediately.

CHAP. 424.

AN ACT in relation to the appointment of a state agent for the guidance and employment of discharged convicts.

PASSED June 6, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The superintendent of prisons is hereby authorized and empowered to appoint a state agent for discharged convicts, who shall hold office during the pleasure of the said superintendent, whose duty it shall be to visit, from time to time, the various penal institutions and reformatories of the state, and at least once in each month at each of the state prisons, to confer with all convicts whose term of imprisonment is soon to expire, for the purpose of inducing them to proceed immediately from the place of their confinement to suitable homes and places where employment will be secured to them. The said agent shall seek access to employers of labor adapted to such discharged convicts, so that they can, upon their liberation, be at once directed to suitable employment on the introduction and request of the said agent.

State
agent for
discharged
convicts.
Duty.

§ 2. The said agent shall furnish the convicts discharged from prisons and reformatories with transportation, food, clothing, and any necessary tools and advice, so that they may enter upon employment.

§ 3. The office of the said agent shall be located at some one of the state prisons of this state, to be designated by the superintendent of state prisons.

Provision
for
convict
Office.

§ 4. The said agent shall keep an account of all the moneys expended by him pursuant to regulations approved by the superintend-

Account
of agent.

ent of state prisons, for his correspondence and necessary traveling and incidental expenses, and in furnishing clothing, board, transportation and tools to discharged prisoners, and such account, showing the amount under each head for each person, duly approved by the superintendent of state prisons, together with the proper vouchers, shall be transmitted to the comptroller of the state each month, and upon its approval by him, a warrant shall be drawn upon the state treasury therefor, but the whole amount so paid for such expenditures shall not exceed five thousand dollars over and above the amount already provided for by law for any one year. And any clothing, money and transportation furnished to each discharged convict as provided in chapter four hundred and sixty, session laws of eighteen hundred and forty-seven, chapter four hundred and seventeen, laws of eighteen hundred and sixty-two, chapter four hundred and fifteen, laws of eighteen hundred and sixty-three, and in any other laws of this state, shall be applied as directed by the said superintendent of prisons in carrying out the provisions of this section.

List of convicts whose terms are about to expire to be furnished agent.

§ 5. The warden or superintendent of each state prison, penitentiary and reformatory, and the sheriff of each county, shall furnish to the said agent upon the first of each month, a full list of all the convicts who will be discharged from the custody of the said institutions, respectively under their charge during the next succeeding month, with such statements as shall be prescribed in the forms furnished under the direction of the superintendent of state prisons by the said agent concerning each convict to be discharged.

Annual statement.

§ 6. The said agent shall, on or before the fifteenth day of January in each year, make to the superintendent of state prisons, a detailed statement in full of his official acts for the year ending the thirty-first day of December next last preceding, and the chief practical results of the same, so far as verified by him, and the superintendent of prisons shall transmit the same as a part of his annual report to the legislature of the state.

Salary.

§ 7. The salary of the said agent shall be two thousand five hundred dollars per annum, to be paid quarterly by the treasurer, upon the warrant of the comptroller; provided, that such salary for the year first ensuing after the appointment of said agent, shall be paid from the sum heretofore appropriated "for maintaining the system of guidance, employment and aid of discharged prisoners," for the present year.

§ 8. This act shall take effect immediately.

CHAP. 425.

AN ACT in regard to the instruction of common school teachers in academies and union schools, and to the establishing of examinations by the regents of the university as to attainments in learning.

PASSED June 6, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for the in-

SECTION 1. The treasurer shall pay yearly, on the warrant of the comptroller, out of the income of the United States deposit fund not

otherwise appropriated, the sum of thirty-five thousand dollars, to be applied as follows, to wit: Thirty thousand dollars for the instruction in academies and union schools in the science and practice of common school teaching, under a course to be prescribed by the regents of the university; and five thousand dollars to the regents of the university for establishing and conducting examinations as to attainments in learning under the direction of the said regents, as hereinafter provided for.

Instruction
of teach-
ers.

§ 2. The said regents shall designate the academies and union schools in which the instruction shall be given, distributing them among the counties of the state as nearly as well may be, having reference to the number of school districts in each, to location and to the character of the institutions selected.

Regents to
designate
schools.

§ 3. Every academy and union school so designated shall instruct a class of not less than ten nor more than twenty-five scholars, and every scholar admitted to such class shall continue under instruction not less than ten weeks, all of which shall be in one school term. The regents shall prescribe the conditions of admission to the classes, the course of instruction, and the rules and regulations under which said instruction shall be given, and shall, in their discretion, determine the number of classes which may be formed in any one year in any academy or union school, and the length of time exceeding ten weeks during which such instruction may be given, all of which shall be in the same school term.

Instruct-
ors.

§ 4. Instruction shall be free to all scholars admitted to such classes, and who have continued in them the length of time required by the third section of this act.

To be free

§ 5. The trustees of all academies and union schools in which such instruction shall be given shall be paid from the appropriation made by the first section of this act at the rate of one dollar for each week's instruction of each scholar, on the certificate of the regents of the university to be furnished to the comptroller.

Rate of
payment
to schools

§ 6. The regents of the university shall establish in the academies and academic departments of union schools, subject to their visitation, examinations in such branches of study as are commonly taught in the same, and shall determine the rules and regulations in accordance with which they shall be conducted; said examinations shall be prescribed in such studies, and shall be arranged and conducted in such a manner, as in the judgment of the regents will furnish a suitable standard of graduation from the said academies and academic departments of union schools, and of admission to the several colleges of the state; and they shall confer such honorary certificates or diplomas as they may deem expedient upon those pupils who satisfactorily pass such examinations. And the said regents are hereby authorized to establish examinations as to attainments in learning of any persons applying for admission to the same, to prescribe rules and regulations for the admission of candidates to said examinations, and for conducting them, and to confer and award such degrees, honorary testimonials or diplomas to persons who satisfactorily pass such examinations, as the said regents may deem expedient. They shall audit and certify to the comptroller all accounts for the expenses of establishing and conducting such examinations and all contingent expenses attending the same, and the amounts thereof shall be paid from the appropriation for this purpose made in the first section of this act.

Examina-
tions.

Appropriation.

§ 7. The sum of seventeen thousand dollars is hereby appropriated from the revenue of the United States deposit fund not otherwise appropriated, to be applied to the purposes named in the first section of this act, which, together with eighteen thousand dollars for the instruction of common school teachers in the general appropriation act of the present session of the legislature, makes up the sum of thirty-five thousand dollars provided in the aforesaid first section of this act.

CHAP. 426.

Cemeteries AN ACT to amend chapter four hundred and two of the laws of eighteen hundred and sixty-eight, entitled "An act to authorize the trustees of incorporated rural cemeteries to impose a tax upon the lot owners in said cemeteries."

PASSED June 6, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 426,
Laws 1868,
7 Edm. 309.

SECTION 1. Section one of chapter four hundred and two of the laws of eighteen hundred and sixty-eight, entitled "An act to authorize the trustees of incorporated rural cemeteries to impose a tax upon the lot owners in said cemeteries," is hereby amended so as to read as follows:

Trustees
of ceme-
teries may
levy tax
for im-
prove-
ments.

§ 1. The trustees of any rural cemetery association incorporated under the laws of this state are hereby authorized to levy a tax upon the lot owners in such cemetery, for the purpose of improving the grounds of such cemetery, and repairing and re-building the fences around the same, whenever the funds applicable to such purposes shall be insufficient to make the necessary repairs or improvements.

§ 2. Section two of said act is hereby amended so as to read as follows:

Tax, when
to be
levied.
See ch. 411,
L. 1879,
post, p. 788.

§ 2. Such tax shall not be levied, except upon the written consent of two-thirds of the lot owners in the cemetery to which the proposed tax is to be applied, or upon the vote of a majority of all the lot owners in favor of a tax for the purposes herein specified, at an annual meeting of the association, or at a special meeting called by the trustees for the purpose of taking such vote, upon the same notice that is required by law for annual meetings.

§ 3. Section three of said act is hereby amended so as to read as follows:

Limit of
tax.

§ 3. The tax hereby authorized shall be such sum per lot as the trustees shall determine, not exceeding the sum of five dollars a lot in any one year, and not exceeding ten dollars in any decade of years, according to the valuation of each lot, as determined by said trustees, and the tax so levied shall be collected upon the warrant of the trustees of the cemetery association by the school district collector of the school district in which the cemetery is situated, and be paid over by him to the treasurer of said cemetery; such warrant shall conform as near as may be to warrants for the collection of school taxes, and the collector shall have the same powers and be entitled to the same compensation, and if required by the trustees of the cemetery association shall give a like bond, as in the collection of school taxes.

Collection.

§ 4. This act shall take effect immediately.

CHAP. 427.

AN ACT for the preservation of life at bathing places.

PASSED June 6, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any keeper or proprietor of a hotel or boarding-house shall erect and maintain for use a bathing-house or houses upon any beach or shore of the ocean for the accommodation of his guests, or whenever any person shall, for the accommodation of the guests of a hotel, keep, maintain and occupy any such bathing-house or houses, such keeper or proprietor shall make such provisions for the safety of the said bathers as are herein provided. He shall provide two life-lines of sound, strong and serviceable manilla or hemp rope, not less than one inch in diameter, which shall be anchored at some point above high water, at the same distance apart as the line of bathing-houses or space fronting on said beach occupied by them is in width. From the two points at which the said life lines are anchored as above prescribed, the keeper or proprietor of said bathing-houses shall extend the said lines as far into the surf as bathing is ordinarily safe and free from danger of drowning to persons not expert in swimming, and shall at such points of safety anchor and buoy the said lines. From the two points of said lines so extended, anchored and buoyed in the surf, a third line shall be extended, connecting the two extremities and buoyed at such points as to be principally above the surface of the water, thereby inclosing a space within the said lines and the beach, within which space bathing is believed to be safe.

Life lines to be provided at bathing places.

§ 2. The keeper or proprietor of the said bathing-houses shall cause to be painted and erected in some prominent place upon the beach near the said bathing-houses, a notice with the following words: "Bathing beyond the lines dangerous."

Notice.

§ 3. The said lines so anchored and buoyed, and the said notices so placed, shall continue and be maintained as aforesaid during the whole season of surf bathing.

Lines and notices to be continued.

§ 4. Whenever any such lessor, owner, keeper or proprietor of said bathing-house, shall refuse or neglect to provide and place said life lines and notices as above provided, he shall be liable to a fine of twenty-five dollars, to be paid by the lessor, owner, keeper or proprietor, for each and every day of such default, the said fine to be recoverable on complaint by any person before any justice of the peace of the town or county in which such default shall take place; such fine so recovered shall be paid by said justice of the peace, in the county of Kings, to the treasurer of the police pension fund of the city of Brooklyn, and in all other counties, to the treasurer thereof for the support of the poor therein.

Penalty.

§ 5. Nothing in this act shall be so construed as to make the owner of bathing-houses liable to its provisions, where the same shall be occupied, used or maintained by a lessee for hire.

Landlord of leased premises not liable.

§ 6. This act shall take effect immediately.

See L. 1879, ch. 323, post, p. 707.

CHAP. 428.

AN ACT for the protection of children, and to prevent and punish certain wrongs to children.

PASSED June 6, 1877 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Children not to be admitted in saloons, etc.

Penalty.

Children not to be allowed to beg.

When children may be arrested and committed.

Children not to be confined with adults.

SECTION 1. No minor under the age of fourteen years shall be admitted at any time to, or permitted to remain in, any saloon or place of entertainment where any spirituous liquors or wines or intoxicating or malt liquors are sold, exchanged or given away, or at places of amusement known as dance-houses, and concert saloons, unless accompanied by parent or guardian. Any proprietor, keeper or manager of any such place, who shall admit such minor to, or permit him or her to remain in, any such place, unless accompanied by parent or guardian, shall be guilty of a misdemeanor.

§ 2 Every person having the custody of any child under the age of fourteen years shall restrain such child from begging, whether actually begging or under the pretext of peddling. Any person offending against this section shall be arrested and brought before a court or magistrate, and for the first offense shall be reprimanded, and for each subsequent offense shall be guilty of a misdemeanor.

§ 3. Any child apparently under the age of fourteen years, that comes within any of the following descriptions named :

(a.) That is found begging or receiving or gathering alms (whether actually begging or under the pretext of selling or offering for sale any thing), or being in any street, road or public place, for the purpose of so begging, gathering or receiving alms.

(b.) That is found wandering and not having any home or settled place of abode, or proper guardianship or visible means of subsistence.

(c.) That is found destitute, either being an orphan or having a vicious parent, who is undergoing penal servitude or imprisonment.

(d.) That frequents the company of reputed thieves or prostitutes or houses of assignation or prostitution, or dance-houses, concert saloons, theaters and varieties, or places specified in the second section of this act, without parent or guardian, shall be arrested and brought before a court or magistrate. When, upon examination before a court or magistrate, it shall appear that any such child has been engaged in any of the aforesaid acts, or comes within any of the aforesaid descriptions, such court or magistrate, when it shall deem it expedient for the welfare of the child, may commit such child to an orphan asylum, charitable or other institution, or make such other disposition thereof as now is or hereafter may be provided by law in cases of vagrant, truant, disorderly, pauper or destitute children.

§ 4. No child under restraint or conviction, apparently under the age of fourteen years, shall be placed in any prison or place of confinement, or in any court room, or in any vehicle for transportation to any place in company with adults charged with or convicted of crime, except in the presence of a proper official.

§ 5. This act shall take effect immediately.

See L. 1876, ch. 123, ante, p. 284, and L. 1874, ch. 116, ante, vol. 9, p. 880.

CHAP. 430.

AN ACT to amend the provisions of the revised statutes in Marriage regard to the solemnization of marriages.

PASSED June 6, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The revised statutes, part second, chapter eight, title one, article first, section eight, are hereby amended to read as follows :

§ 8. For the purpose of being registered and authenticated according to the provisions of this title, marriages shall be solemnized only by the following persons :

1. Ministers of the gospel and priests of every denomination.
2. Mayors, recorders and aldermen of cities.
3. Judges of the county courts, and justices of the peace ; and
4. Justices and judges of courts of record.

§ 2. This act shall take effect immediately.

The amendment adds the fourth subdivision.

Solemnization of marriage. Amended 2 R. S. 139. 2 Edm. 145.

CHAP. 434.

AN ACT to amend chapter one hundred and eighty-four of the law of eighteen hundred and sixty-six, entitled " An act for the better protection of seamen in the port and harbor of New York.

PASSED June 8, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of chapter one hundred and eighty-four of the laws of eighteen hundred and sixty-six, entitled " An act for the better protection of seamen in the port and harbor of New York," is hereby amended so as to read as follows :

§ 3. It shall not be lawful for any sailors' hotel or sailors' boarding-house keeper, or the employes of any sailors' hotel or boarding-house keeper, to engage in the business of shipping seamen for any vessel, nor for any such person having boarded any vessel made fast to any wharf in the port of New York, to neglect or refuse to leave said vessel after having been ordered so to do by the master or person having charge of such vessel.

§ 2. Section six of said act is hereby amended so as to read as follows :

§ 6. There shall be, and is hereby created, a board denominated a board of commissioners for licensing sailors' hotels or boarding-houses in the cities of New York and Brooklyn, consisting of one person, to be selected by each of the following corporate bodies or associations, respectively, to wit: The Chamber of Commerce of the State of New York; the American Seamen's Friend Society, in New York; the New York Board of Underwriters; the Marine Society of New York; the Society for promoting the Gospel among Seamen in the port of New York, and the Shipowners' Association of the State of New York.

Amending ch. 184, Laws 1866. 6 Edm. 708.

Boarding-house keepers not to engage in shipping seamen nor to stay on vessel when ordered off.

Commissioners of license.

CHAP. 436.

AN ACT in relation to county treasurers.

PASSED June 9, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

County treasurers to designate banks of deposit. Amended 1873, ch. 34, post, p.

Interest on deposits.

Treasurer to deposit moneys.

Limitation as to depositaries.

Proviso.

Depositary to give bond

SECTION 1. It shall be the duty of the county treasurer, hereafter elected or appointed, of each county in this state, except the city and county of New York, within twenty days after he shall have entered upon the duties of his office, to designate by instrument in writing, in duplicate, one copy whereof shall be filed in the office of the clerk of such county and one in the office of the state treasurer, one or more good and solvent banks, bankers or banking associations in such county, or in case there shall be no such good and solvent bank, bankers or banking association in such county, then in an adjoining county within this state, for the deposit of all moneys received by such treasurer, and to agree with such bank or banks, banker or bankers, association or associations upon a rate of interest per annum to be paid on the moneys so deposited. And the accrued interest thereon shall, as often as once in six months, be credited by such depositary or depositaries to the account of such county treasurer, for the use of said county; and such treasurer shall deposit with such depositary or depositaries at least once in each week, and in any county containing a city having more than ten thousand inhabitants, daily, all such moneys so received by him. But in no county having a city containing more than twenty thousand inhabitants shall any bank, banker or banking association, be selected as such depositary which shall not have an unimpaired capital stock of at least one hundred thousand dollars. Provided however that nothing herein shall limit the power of any court or officer by whose direction any moneys shall be paid over to, or received by, such treasurer, to direct in relation to the custody or investment thereof, or the disposition to be made of the interest thereon; and no interest received from any moneys so deposited, which are not received for some public use, shall belong to such county.

§ 2. Each bank, banker or banking association so designated shall, for the benefit and security of the county, and before receiving any such deposit, give to the supervisors of such county a good and sufficient bond, with two or more sureties, to be approved by the county judge of the county in which such bank, banker or banking association shall be located, and the chairman of the board of supervisors of the county of which such treasurer is an officer, and by such treasurer. Such bond shall specify the amount which such treasurer shall be authorized to have on deposit at any one time with such depositary, and shall be in a penal sum of twice such amount, and shall be conditioned for the safe-keeping and payment on the order or warrant of such treasurer, or upon other lawful authority, of such deposits and of the agreed interest thereon, and for the payment of such bonds or coupons as by their terms are made payable at a bank or banks, and for the payment of which a deposit shall be made by such treasurer with such depositary. And it shall be the duty of the clerk of the board of supervisors to file such bond in the office of the clerk of such county.

§ 3. The designation of any such bank, banker or banking association, and the deposit of moneys therewith by such treasurer, shall not release him or his sureties from any liability in relation to such moneys, or in any manner affect such liability; but any default by such depositary in relation to such moneys shall be deemed the default of such treasurer, and he and his sureties shall be liable therefor. But such treasurer and his sureties shall have the right to collect from such depositary or its sureties, any amount or amounts which such treasurer or his sureties, shall pay by reason of the default of such depositary.

Treasurer not relieved from liability.

§ 4. Such county treasurer shall draw the moneys so deposited only for the payment of claims ordered to be paid by the board of supervisors or other lawful authority, or pursuant to the lawful direction of some court; and if he shall draw or appropriate any such moneys for any other purpose, it shall be deemed malfeasance in office, and cause for removal therefrom. But nothing herein contained shall prevent such county treasurer from depositing from time to time, such moneys, or some portion thereof, in any other bank or banks, association or associations, or with any other banker or bankers, authorized to receive the same in deposit under this act, or from transferring any such moneys from one depositary to another, which shall have duly qualified by giving security as herein provided.

Moneys only to be drawn for county claims. Misappropriation. Transferring deposits.

§ 5. Every county treasurer hereafter elected or appointed shall receive as compensation for his services an annual salary, to be fixed by the board of supervisors. He shall not receive to his use any interest, fees or other compensation for his services, except in proceedings for the sale of lands for unpaid taxes as may be now provided for by law. It shall be the duty of said board to fix the salary of any treasurer hereafter elected at least six months before his election, and such salary shall not be increased nor diminished during his term of office; and no county treasurer shall purchase or be directly or indirectly interested in any purchase of any claim whatever against the county of which he is the treasurer.

Salary of county treasurer.

§ 6. The board of supervisors of any county may authorize the employment, by the treasurer, of such clerk or clerks and other assistants, as may be deemed necessary by such board, the compensation to be determined by such board.

Clerks and assistants.

§ 7. Every county treasurer shall keep an accurate account of all moneys received, deposited and paid out by him, and shall quarterly, and at such other times as the board of supervisors shall, by resolution, require, make a true statement thereof in writing, the correctness of which shall be verified by him, and file the same with the county clerk; and such statement shall be published, as soon thereafter as may be, in the newspapers designated by said board for the publication of the session laws in said county; and shall also transmit by mail a copy of such statement to the comptroller and treasurer of this state.

Account of treasurer.

§ 8. Every county treasurer who shall willfully misappropriate any of the moneys, funds or securities, which shall have been received by him as such treasurer, or who shall, in violation of law, draw out any of the moneys so deposited, or who shall be guilty of any other malfeasance or willful neglect of duty in his office, shall, upon conviction thereof, be punished by a fine not less than five hundred nor more than ten thousand dollars, or imprisonment in a state prison for not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

Misconduct of treasurer.

§ 9. The governor may remove any county treasurer from office, whenever it shall appear that such treasurer has been guilty of any

Removal of treasurer.

malfeasance or other misconduct or malversation in office, first giving to such officer a copy of the charges against him, or by leaving the same at his last place of residence, with some person of suitable age and discretion, and an opportunity of being heard in his defense. In case of any such removal or of any other vacancy in the office of county treasurer, the vacancy shall be supplied by the board of supervisors, and the person so appointed shall hold the office until his successor shall have been elected at the first annual election occurring after such vacancy, and shall have duly qualified.

Excep-
tions.

§ 10. Nothing herein contained shall apply to the counties of Monroe and Seneca.

Sec. 10, amended 1878, ch. 94, *post*, Laws 1879, chaps. 23 and 159, and Laws 1890, chaps. 233 and 580. See *post*, pp. 527, 694, 720, 956, 1101.

CHAP. 439.

AN ACT in relation to the insurance of plate-glass.

PASSED June 15, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Plate glass
insurance
companies
to deposit
security.

Non-resi-
dent com-
panies to
deposit
security.

Of what
deposits to
consist.

No policies
to be
issued, or
agent to
act till se-
curity is
filed.

SECTION 1. Every corporation, association or company heretofore organized under the laws of this state to make insurance against loss or damage to plate-glass, shall be required to deposit with the superintendent of the insurance department of this state, for the benefit of all their policyholders, securities amounting to at least fifty thousand dollars ; and no corporation, association or company, created by or existing under the laws of any other state of the United States, with authority to insure against loss or damage to plate-glass, shall be permitted to transact business in this state without having previously deposited for the benefit of their policyholders securities amounting to at least fifty thousand dollars, with the superintendent of the insurance department, treasurer or chief financial officer of the state wherein such corporation, association or company is organized. Such deposit shall consist of the same securities in character and description, as are required to be made by companies under the act providing for the formation of life and fire insurance companies, and in relation to agencies of such companies, passed June twenty-fourth, one thousand eight hundred and fifty-three, and the amendments and additions thereto.

§ 2. No such corporation or company shall issue or deliver any policy, certificate or contract of insurance upon plate-glass within this state, in any corporation or company name, unless such corporation or company shall have first complied with the provisions of this act, prescribing and regulating deposits ; and no person shall act within

this state as agent, surveyor or otherwise, in soliciting, receiving or procuring applications for insurance or premiums therefor, or in delivering policies of insurance, or in adjusting or replacing losses, or in any manner whatever in aid of transactions relating to the business of plate-glass insurance of or for any company or corporation, unless such company or corporation shall have fully complied with the provisions of this act.

§ 3. Every violation of this act shall subject the corporation or company committing such violation, to a penalty of five hundred dollars for each violation, which penalty shall be sued for and recovered in the name of the people of this state by the district attorney of the county in which the company or corporation is located, or in which the agent or agents shall have committed such violation, and such penalty, when recovered, shall be paid into the treasury of said county.

§ 4. Chapter six hundred and seventeen of the laws of eighteen hundred and seventy-three, entitled "An act regulating the deposit of securities by plate-glass insurance companies," is hereby repealed.

Penalty for violation of act.

Repealing chap. 617, Laws 1873, § 9 Edm. 666.

CHAP. 445.

AN ACT to provide for perfecting and perpetuating the right and title of the city of New York to property, water, water-rights and privileges heretofore taken or used, or which may be hereafter taken or used by said city to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using.

New York. Title amended by L. 1879, ch. 518, post, p. 814.

PASSED June 15, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases where the commissioner of public works of the city of New York shall have heretofore entered upon, taken or used, or shall hereafter enter upon, take or use, or shall deem it necessary to enter upon, take or use the waters of any lake, or any upland, or land under water, or water rights or privileges, or any incorporated

Commissioners of public works authorized to acquire property, water, etc.

hereditaments, or any other property, for the purpose of maintaining, preserving or increasing the supply of pure and wholesome water for the use of said city, the said commissioner is authorized for and in behalf, and in the name of the mayor, aldermen and commonalty of the city of New York, in the manner hereinafter prescribed, to acquire all rights, titles and interests in and to such real estate by whomsoever the same may be held, enjoyed or claimed, and to pay for and extinguish all claims or damages on account of such rights, titles or interests, or growing out of such taking or using.

May enter
on lands
to survey.

May agree
as to com-
pensation.

Lands be-
longing to
state or
county,
etc.

Condem-
nation.

Method of
condem-
nation.

§ 2. The said commissioner, his engineers, surveyors and such other persons as may be necessary to enable him to perform his duties under this act are hereby authorized to enter upon any land or water for the purpose of making surveys or examinations, and to agree with the owners, occupants or claimants of any real estate which may have been required or damaged, or which hereafter may be required or damaged in carrying into effect the provisions of this act, as to the amount of compensation to be paid to such owners, occupants or claimants, and the time and manner of such payments. And in case any such real estate shall be owned, occupied or enjoyed by the people of this state, or by any county, town or school district within this state, such rights, titles, interests or properties may be paid for upon agreement respectively with the commissioners of the land office, who shall act for the people of this state, with a chairman and a majority in numbers of the board of supervisors of any county who shall act for such county, and with the supervisor and commissioners of highways in any town who shall act for such town and with the trustees of any school district that shall act for such district.

§ 3. In case the said commissioner of public works is unable to agree with the said owner or owners, occupant or occupants, claimant or claimants of any such real estate, or with any or either of such officers as to the sum or sums to be paid for the acquisition or extinguishment of any such real estate, or of any right, title or interest thereto or therein, for carrying into effect the purposes of this act, the said commissioner of public works shall have the right to acquire such real estate, or to extinguish any such right, title or interest thereto or therein, for the mayor, aldermen and commonalty of the city of New York in the manner and by the special proceedings hereinafter provided.

§ 4. For the purpose of acquiring any such real estate or of extinguishing any right, title, interest thereto or therein, the said commissioner of public works, for and in behalf of the said mayor, aldermen and commonalty of the city of New York may present a petition praying for the appointment of commissioners of appraisal to the supreme court, at any general or special term thereof, held in the district in which the real estate described in the petition may be situated, such petition shall be signed and verified according to the practice of such court. It must contain a general description of the real estate which the said commissioner seeks to acquire, and of the rights, titles and interests therein which he seeks to extinguish, and also a general statement of the names and places of residence of the parties, so far as the same can by reasonable diligence be ascertained, who own, occupy or enjoy, or who claim to own, occupy or enjoy, any such real estate, or any right, title or interest therein, and if any of such persons are infants, their ages, as near as may be, must be stated; and if any of such persons are idiots, or persons of unsound mind, or are unknown, that fact must be stated, together with such other allegations and statements of

liens or incumbrances upon such rights, titles and interests as the said commissioner may see fit to make. A copy of such petition, with a notice of the time and place the same will be presented to the supreme court, must be served on all persons whose interests are to be affected by the proceedings at least ten days prior to the presentation of the same to the said court.

1. If the person on whom such service is to be made resides in this state and is not an infant, idiot, or person of unsound mind, service of a copy of such petition and notice must be made on him, or his agent or attorney, authorized to contract for the sale or surrender of the real estate described in the petition, personally, or by leaving the same at the usual place of residence of the person on whom such service must be made as aforesaid with some person of suitable age.

Service of
petition
and no-
tice.

2. If the person on whom such service is to be made resides out of the state, and has an agent residing in this state, authorized to contract for the sale or surrender of the property described in the petition, such service may be made on such agent, or on such person, personally, out of the state, or it may be made by publishing the notice, stating briefly the object of the application and giving a description of the property to be taken or affected, in the state paper, and in a paper printed in the county in which the real estate taken or affected is situated, once in each week for one month next previous to the presentation of the petition; and if the residence of such persons residing out of this state, but in any of the United States, or any of the British colonies in North America, is known, or can, by reasonable diligence, be ascertained, the said commissioner must, in addition to such publication as aforesaid, deposit a copy of the petition and notice in the post-office, properly folded and directed to such person at the post-office nearest his place of residence at least two weeks before presenting such petition to the court, and pay the postage chargeable thereon in the United States.

3. If any person on whom such service is to be made is under the age of twenty-one years, and resides in this state, such service shall be made as aforesaid on his general guardian, or if he has no such guardian, then on such infant, personally, if he is over the age of fourteen years, and if under that age, then on the person who has the care of such infant, or with whom such infant resides.

4. If the person on whom such service is to be made is an idiot, or of unsound mind, and resides in this state, such service may be made on the committee of his person or estate, or if he has no such committee, then on the person who has the care or charge of such idiot or person of unsound mind.

5. If the person on whom such service is to be made is unknown, or his residence is unknown and cannot by reasonable diligence be ascertained, then such service may be made under the direction of the court by publishing a notice, stating the time and place the petition will be presented, the object thereof, with a general description of the property to be affected by the proceedings, in the state paper, and in a paper printed in the county where the property is situated, once in each week for two weeks previous to the presentation of such petition.

6. In case any party to be affected by the proceedings is an infant, idiot or person of unsound mind, and has no general guardian or committee, the court shall appoint a special guardian or committee to attend to the interests of such person in the proceedings; but if a general guardian or committee has been appointed for such person in this state, it shall be the duty of such general guardian or committee to

attend to the interests of such infant, idiot or person of unsound mind, and all notices required to be served in the progress of the proceedings, may be served on such general or special guardian or committee.

7. In case the people of this state, or any county of this state or any town in this state, or any common school district within this state, or any corporation organized under the laws of this state, shall own, occupy or enjoy any real estate which is to be acquired or affected in carrying into effect the purposes of this act, such notice and petition may be served in the manner hereinbefore prescribed, upon the following officers respectively: upon the clerk to the commissioners of the land office, in behalf of the people of the state; upon the clerk of the board of supervisors of any county, in behalf of such county, and upon the supervisor of any town, and the commissioners of highways in any town, in behalf of such town; upon the trustees of any school district, in behalf of such district; and upon the acting chief executive officer of any corporation, in behalf of such corporation.

8. In all cases not herein otherwise provided for, service of orders, notices and other papers in the special proceedings authorized by this act, may be made as the supreme court shall direct.

Commis-
sioners to
assess
damages.

§ 5. On presenting such petition to the supreme court as aforesaid, with proof of service of a copy thereof and notice as aforesaid, all or any of the parties whose estates or interests are to be affected by the proceedings may show cause against granting the prayer of the petition, and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of three disinterested and competent freeholders, who reside in the county (or some adjoining county), where the property to be appraised is situated, commissioners to ascertain and appraise the compensation to be made to the parties interested in the real estate proposed to be taken or affected or theretofore taken or affected in such county for the purposes indicated in this act, and to fix the time and place for the first meeting of the commissioners.

Commis-
sioners to
take oath.
Witnesses.

§ 6. The said commissioners shall take and subscribe the oath prescribed by the twelfth article of the constitution. Any one of them may issue subpoenas and administer oaths to witnesses, and any such witness sworn and examined and testifying falsely shall be deemed guilty of perjury, and shall be liable to the pains and penalties imposed by law for that offense. Such subpoenas may be served within this state by any person and must be served by any sheriff or constable when thereunto required; in case of the failure or refusal of any witness so subpoenaed to obey such subpoena, or to answer any question or to produce any books or papers when thereunto required by a majority of the said commissioners, the commissioners, or a majority of them, shall report such failure or refusal to a justice of the supreme court in said the judicial district, in which such commissioners were appointed before whom the same proceedings shall thereupon be had, as though such failure or refusal were that of a witness duly subpoenaed to appear and testify upon the trial of an action before such justice, and such justice shall in all respects proceed as though such subpoena had issued out of the court in which he presides; a majority of such commissioners may adjourn the proceedings before them, from time to time, in their discretion. Whenever they meet, except by appointment of the court, or pursuant to adjournment, they shall cause reasonable

Notice of
meeting.

notice to be given to the parties interested, or their agent or attorney. They shall view the property described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony taken by them, if any, to writing, and after the testimony in each case is closed, they, or a majority of them, all having an opportunity to be present, shall, without any unnecessary delay, and before proceeding to the examination of any other claim, ascertain and determine the compensation which ought justly to be made by the said mayor, aldermen and commonalty of the city of New York, to the owners or the persons interested in the rights, titles and privileges to be acquired or affected by the said proceeding. They, or a majority of them, shall also determine what sum ought to be paid to the general or special guardian or committee of an infant, idiot, or person of unsound mind, or to an attorney appointed by the court to attend to the interests of any unknown owner or party in interest, not personally served with notice of the proceedings, and who has not appeared, for costs, expenses and council fees. They, or a majority of them, shall also (but not in excess of any request therefor made in behalf of the city) determine the height to which the waters of any lake or natural stream, concerning which such proceedings are instituted, may be raised, and the point to which such waters may be drawn down by the said the mayor, aldermen and commonalty of the city of New York, such determination to be made before any award of damage shall be made on account of such proposed raising or depressing of such waters. The said commissioners shall make a report of their proceedings to the supreme court, with the minutes of the testimony taken by them, if any; and they shall be entitled to the payments hereinafter provided for their services and expenses, to be paid from the fund hereinafter provided.

View.**Determination.****Report.**

§ 7. On such report being made by said commissioners, the counsel to the corporation of the city of New York shall give notice to the parties, or their attorneys, to be effected * by the proceedings, according to the rules and practice of said court at a general or special term thereof for the confirmation of such report, and the court shall thereupon confirm such report, and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal and a general description of the real estate appraised, for which compensation is to be made; and shall also direct to whom the money is to be paid, or in what bank and in what manner it shall be deposited by the comptroller of the city of New York.

Confirmation of report.

§ 8. A certified copy of the order so to be made as aforesaid shall be recorded, at full length, in the office of the clerk of the county in which the real estate described in it is situated, and thereupon, and on the payment or deposit by the comptroller of the city of New York of the sums to be paid as compensation for the acquisition of such real estate, or for the extinguishment of any right, title or interest therein, and for the costs, expenses and counsel fees as directed by said order, the said commissioner of public works, for and in behalf of the said the mayor, aldermen and commonalty, shall be entitled to enter upon, take possession and use the said real estate for the purposes indicated in this act and all parties mentioned in this act who shall have been made parties to the proceedings, together with all parties claiming or to claim, by, through or under them, shall be forever divested and barred of all right, estate and interest in such real estate, and of all claim for any

When commissioners of public works may take possession.

* So in the original.

How held. damage on account of the taking, using or affecting of such real estate, or of any right, title, interest therein. All real estate acquired by the said the mayor, aldermen and commonalty of the city of New York, under and pursuant to the provisions of this act, shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the commissioners, as provided for in the seventh section of this act, either party may appeal, by notice, in writing, to the other, to the supreme court from the appraisal and report of the commissioners. Such appeal shall be heard by the supreme court at any general or special term thereof on due notice thereof being given, according to the rules and practice of said court. On the hearing of such appeal, the court may direct a new appraisal and determination of any question passed upon before the same or new commissioners in its discretion, but from any determination of the general term, either party, if aggrieved, may take an appeal, which shall be heard and determined by the court of appeals. In case of a new appraisal, the second report shall be final and conclusive on all the parties interested. If the amount of compensation to be made by the said city is increased by the second report, the difference shall be a lien on the real estate appraised and shall be paid by the comptroller of the city of New York to the parties entitled to the same, or shall be deposited in bank as the court may direct, and if the amount is diminished, the difference shall be refunded to the said the mayor, aldermen and commonalty of the city of New York by the party to whom the same may have been paid, and judgment therefor may be rendered by the court, on the filing of the second report, against the party liable to pay the same. Such appeal shall not affect the possession by the said city of New York of the real estate appraised; and when the same is made by others than the said city it shall not be heard except on the stipulation of the party appealing not to disturb such possession.

Adverse claims as to proceeds.

§ 9. If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken or affected, the court may direct the money to be paid into the said court by the said comptroller, and may determine who is entitled to the same and direct to whom the same shall be paid, and may, in its discretion, order a reference to ascertain the facts on which such determination and order are to be made.

Unknown parties.

§ 10. The court shall appoint some competent person to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent. The court shall also have power, at any time, to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added and to direct such further notices to be given to any party in interest as it deems proper, and also to appoint other commissioners in place of any who shall die or refuse or neglect to serve or be incapable of serving.

Amending defects.

In case of defect city may commence again.

§ 11. If, at any time, after an attempt to acquire title by appraisal of damages or otherwise, it shall be found that the title thereby attempted to be acquired is defective, the said city may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made, and at any stage of such new proceedings the court may authorize the said city, if in possession, to continue in possession, and if not in possession, to take possession and use such real estate during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against the said city on ac-

count thereof on the comptroller of said city paying into court such sum as the court may direct, to pay the compensation therefor when finally ascertained, and in every such case, the party interested in such real estate may conduct the proceedings to a conclusion if the said city delays or omits to prosecute the same. And if, at any time, the said city shall require, for the purposes indicated in this act, to acquire any additional real estate, or to extinguish any other or further rights, titles, interests therein in addition to that which it has already acquired or extinguished, such city may acquire such additional real estate or extinguish such additional rights, titles, interests therein, or any such real estate, or any right, title or interest therein which it now uses or occupies, or which it has heretofore used or occupied, by purchasing the same of the persons or parties owning the same, or interested therein, or affected by such proceedings, and by paying to such parties such damage as they may sustain by reason thereof if the amount of such compensation or damages can be agreed upon between such commissioner of public works and such persons or parties; and if such commissioner of public works shall, for any cause, be unable to agree for the purchase of such real estate, or shall be unable to agree upon the sum which shall be paid to such persons or parties in satisfaction of the damages they may sustain, or if the title to any such real estate or rights already acquired or extinguished, or attempted to be acquired or extinguished, shall, for any cause, prove defective or imperfect, then and in every such case such commissioner of public works may proceed to acquire and perfect title to such real estate or rights, and to ascertain and appraise such damages in the manner and by the proceedings hereinbefore in this act prescribed.

Additional
land.

§ 12. The commissioners of the land office shall have power to grant to the said city any real estate belonging to the people of this state which may be required for the purposes indicated in this act, on such terms as may be agreed on between them and the said commissioner of public works, always, however, reserving and maintaining the rights of the people and riparian owners to go to the water at any point to which the same may be drawn; and if any real estate of any county, town or school district is required by such city for the purposes of this act, the majority of the board of supervisors acting for such county, or the supervisor of any such town, with the commissioners of highways therein acting for such town, or the trustees of any school district acting for such district, may grant or surrender such real estate for such compensation as may be agreed upon between such officers, respectively, and the said commissioner of public works.

Land be-
longing to
state.

Town or
county.

§ 13. In case any real estate required by said city for the purposes of this act shall be vested in any trustee not authorized to sell, release and convey the same, or in any infant, idiot or person of unsound mind, the supreme court shall have power, by a summary proceeding, on petition, to authorize and empower such trustee or general guardian or committee of such infant, idiot, or person of unsound mind, to sell, convey or surrender the same to the said city on such terms as may be just; and in case any such infant, idiot, or person of unsound mind has no general guardian or committee, the court may appoint a special guardian or committee for the purpose of making such sale, surrender or conveyance, and may require such security from such general or special guardian or committee as said court may deem proper. But before any conveyance or release authorized by this section shall be executed, the terms on which the same is to be executed shall be reported to the court on oath, and if the court is satisfied

Estates
vested in
trustees.

that such terms are just to the party interested in such rights, titles, interests or property, the court shall confirm the report and direct the proper conveyance or release to be executed, which shall have the same effect as if executed by an owner of such rights, titles, interests or property having legal power to sell, surrender and convey the same.

Real estate already taken may be held under this act.

§ 14. In all cases where the commissioner of public works shall have heretofore entered upon, taken or used, any real estate, either with or without the license of the owner thereof, for the purpose of increasing the supply of water for the city of New York, and the title to such real estate shall not have been acquired by said city either by purchase or by any proceedings under any existing law and the said city, by any of its officers, agents or employes, shall be in possession thereof at the time this act shall take effect, and such possession shall be continued for the period of sixty days thereafter, such possession shall be deemed an election on the part of said city to take such real estate under and pursuant to the provisions of this act, and in that case it shall be the duty of the corporation counsel, at the expiration of said sixty days, to make the necessary application for the appointment of commissioners pursuant to the provisions of this act to appraise the damages and compensation to be paid for the taking and using of the same. The performance of such duty may be enforced by the supreme court by mandamus on the application of any owner or claimant of the real estate so taken or used, and upon the hearing before the commissioners appointed upon such application they shall, if requested by said owners or claimants, also appraise and determine the amount of damages sustained by said owners or claimants respectively by reason of any use or occupation of said real estate by said city, or any of its officers or agents, before the making of such application. The said commissioners shall in their report state the amount of damages so ascertained and determined by them, and the amount thereof shall form a part of the amount required to be paid by said city before the right and title to the real estate specified in said report shall be vested in said city as hereinbefore provided. Upon such hearing all of the provisions of this act in relation to compelling the attendance of witnesses, and the examination thereof, shall apply to the claim for damages growing out of such use and occupation.

Prior damages.

§ 15. As to any damages which may have accrued to the owner or claimant of any real estate, as to which the proceedings provided by this act may be instituted, before such proceedings shall have been instituted, this act shall not be taken or construed to deprive any party of a right to a trial by jury of the question of such damage, and the said commissioners shall estimate and determine such damages, and the compensation to be made therefor, only upon the consent of all the parties thereto. Such consent, however, shall be conclusively presumed as against any party who shall appear and take part in the proceedings to determine the amount of such damage, without first entering an objection to the determination* thereof by such commissioners. In absence of such objection, but not otherwise, the said commissioners shall proceed to final determination of such question.

"Real estate," definition of.

§ 16. The term real estate, as used in this act, shall be construed to signify and embrace all uplands, lands under water, the waters of

* So in the original.

any lake, pond or stream, all water rights or privileges, and any and all easements and incorporeal hereditaments, and every estate, interest and right, legal and equitable, in lands, or water, including terms for years, and liens thereon by way of judgment, mortgage, or otherwise, and also all claims for damage to such real estate.

§ 17. The commissioners appointed in pursuance of this act shall receive as compensation the sum of ten dollars per day for each day actually employed. They may employ the necessary clerks and surveyors. The salaries of the commissioners and of their employes, and the necessary traveling expenses and other expenses incurred in and about such special proceedings shall be paid by the said comptroller, as provided for in this act, on the certificate of the commissioner of public works of the city of New York.

Compensation of commissioners.

§ 18. For the purpose of preventing any waste of water, the commissioner of public works of the city of New York is hereby authorized to construct such aqueducts, reservoirs, dams, sluices, canals and appurtenances as may be necessary to collect or retain the water in or from any lakes or streams which may be taken under the operation of this act, and use such waters as the wants and necessities of said city may require, provided that nothing contained in this or in any existing act shall authorize or permit any water in excess of the ordinary flow thereof to be drawn from Lake Mahopac and Lake Glenida, in the town of Carmel and county of Putnam, between the first day of March and the first day of September in any year; and provided also that nothing in this or in any existing act contained shall be so construed as to interfere with any existing right to catch fish, obtain ice, or keep, use and maintain boats in or upon any natural lake or pond which may be acquired under this act, nor shall it be so construed as to destroy any existing right of riparian owners upon such lakes and ponds to use the waters thereof, or to build upon the shores thereof, except as such rights may be affected by the raising or lowering of the waters of such lake or ponds, as hereinbefore prescribed.

Preventing waste of water.

Proviso.

§ 19. It shall be the duty of the comptroller of the city of New York, and he is hereby authorized and directed, on requisition of the commissioner of public works of the city of New York, to raise, from time to time, on bonds of said city, amounts of money sufficient to pay the sums which may be necessary, from time to time, to be paid for the acquisition of any real estate, or for the extinguishment of any right, title, interest therein, to be acquired or extinguished under this act, together with all expenses necessarily incurred in surveying, locating and acquiring title to real estate, or extinguishing claims for damages thereto; and also all such sums as, from time to time, may be found necessary for the construction of aqueducts*, reservoirs, dams, sluices, canals and appurtenances as are now in process of construction; and all such payments shall be made by the comptroller on the certificate of the commissioner of public works of the city of New York; provided, however, the amount so raised shall not, in any one year, exceed the limitations which, by law, may be or may have been imposed as to the amount of expenditure to be made by the commissioner of public works.

Money to be raised by bonds to pay for rights, etc.

§ 20. The bonds so to be issued by the comptroller of the city of New York, in pursuance of this act, shall be entitled "additional Croton water stock of the city of New York," shall bear interest at the

Bonds.

rate of not exceeding seven per cent per annum, and shall be redeemable in not less than ten nor more than fifty years, as the said comptroller shall determine to be for the best interest of the said city; and the board of aldermen of the city of New York is hereby authorized and directed to raise, from time to time, by tax upon the estates, real and personal, subject to taxation in the city and county of New York, the sum or sums of money which may be required to pay the interest on said bonds and to redeem them at maturity. The mayor and comptroller of said city are hereby authorized and directed to sign said bonds, and it shall be the duty of the clerk of the board of aldermen to countersign the same and to affix thereto the seal of the city. Such bonds shall not be disposed of at less than the par value thereof.

Highways
around
new reser-
voir.

§ 21. The said city of New York is hereby required to repair and forever maintain the highways built or in process of construction by the said city around the new reservoir, on the middle branch of the Croton river, in the town of South East.

Venue of
actions.

§ 22. All actions for the recovery of real property, or of any estate or interest therein, or for the determination in any form of such right or interest, and for injuries to real estate, brought under the provisions of this act, shall be brought and tried in the county in which the subject of the action, or some part thereof, is situated, subject to the powers of the court to change the place of trial in cases provided by statute.

Amend-
ment of
pleadings
and pro-
ceedings.

§ 23. If in any particular it shall at any time be found necessary to amend any pleading, proceeding, process or action, or to supply any defect therein, arising in the course of any special proceeding authorized by this act, the same may be amended or supplied in such manner as shall be directed by the supreme court, which is hereby authorized to make such amendment or correction.

Amended
1879, ch.
516, post, p.
814.

§ 24. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 25. This act shall take effect immediately.

CHAP. 451.

AN ACT for the more effectual prevention of wanton and malicious mischief, and to prevent the defacement of natural scenery.

PASSED June 15, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Injury to
works of
art, build-
ings, trees,
etc.

Advertise-
ments on
rocks,
trees,
bridges,
etc.

SECTION 1. Any person who shall maliciously or wantonly injure or deface any monument or work of art, building, fence or other structure, or destroy or injure any ornamental tree, or shrub or plant, whether situated on any private ground or on any street, public place, public or private way, or cemetery, or who shall paint or print upon, or in any other manner place upon or affix to any stone or rock, not a part of a building, or upon or to any bridge or tree, any word, letter, character or device, stating, referring to, or advertising, or intended to state, refer to or advertise the sale or manufacture of any property or article, profession, business, exhibition, amusement or place of amuse-

ment, or other thing, and any person who shall, directly or indirectly, cause any such act to be done, or shall aid therein, shall be deemed guilty of a misdemeanor, and upon conviction, shall, for each and every such offense, be punished by a fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

**Punish-
ment.**

§ 2. Every such person shall, moreover, be liable whether before or after conviction as aforesaid, to an action in favor of any person injured, or owning or possessing any land, premises upon which any such act has been done, in which action damages may be recovered of not less than five dollars, and, in addition to that sum, of not more than five times the amount of the actual damage sustained; provided, however, that nothing hereinbefore contained shall apply to any word, letter, character or device relating to any sale, manufacture, profession, business exhibition or amusement held, carried on or to take place upon the lands or premises owned or possessed by the person who shall have, by himself or by any other, painted, printed, placed or affixed the same.

**Action for
the injury.**

Proviso.

§ 3. If within six months from the time of the commission of any of the acts referred to in the first section of this act, an action authorized to be brought as aforesaid, by any person owning or possessing any land or premises upon or about which any words, letters, characters or devices may have been painted, printed, placed or affixed, as aforesaid, shall not bring the same and prosecute such action to judgment without unreasonable delay, an action may be brought by the overseers of the poor of the town in which such act has been done, for the benefit of the poor of said town, against the persons who shall do the same, or who shall aid therein or cause the same to be done, or such action may be brought by the overseer of the poor of any town, village or city where such persons shall be found, or by the officers in such towns, villages and cities as may possess the general powers of overseers of the poor.*

**Action by
overseer of
poor.**

§ 4. The fact that such act has been aided or caused to be done by any person charged therewith, shall, in any such action, as a legal presumption, be deemed to be proved against any of the owners or proprietors or managers of the property, articles, profession, business, exhibition, amusement or other thing relative to which such words, letters, characters or devices may have been painted, printed, placed or affixed, as aforesaid, until the contrary is shown by competent evidence.

**Presump-
tion
against
owner of
property
or business
adver-
tised.**

§ 5. When any such action may be brought by overseers of the poor or other officers, as aforesaid, the same may be brought in the court of any justice of the peace, or in a justice or district court of any city, which courts are hereby given jurisdiction over the same; and in any such action judgment for damages may be recovered to an amount not exceeding two hundred dollars and costs, and judgment rendered in any such action may be pleaded in bar of any action brought to recover damages for the same offense.

**Action by
overseer,
when
brought.
Judgment.**

§ 6. Chapter five hundred and seventy-three of the laws of eighteen hundred and fifty-three, and chapter two hundred and twenty-two of the laws of eighteen hundred and sixty-five, are hereby repealed.

**Repeal ch.
573, Laws
1853, 4
Edm. 617,
and ch. 222,
Laws 1865,
6 Edm. 454.**

* The peculiar construction of this section is not the work of the printers. — ED. GEN. LAWS.

CHAP. 456.

AN ACT to amend section seventy-four of title six, chapter six, part two of the revised statutes, relative to the application for moneys paid into the state treasury by administrators.

PASSED June 16, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
2 R. S. 133.
2 Edm. 137.
Claims to
money
paid into
state
treasury
by public
adminis-
trators.

SECTION 1. Section seventy-four of title six, chapter six, part two of the revised statutes, is hereby amended so as to read as follows:

§ 74. Any person claiming any moneys that shall have been paid into the state treasury by any county treasurer, pursuant to this title, or by any administrator pursuant to section eighty-one of title three of this chapter, may present a petition to the supreme court, praying that such moneys may be paid to him; and a copy of such petition shall be served upon the attorney-general fourteen days previous to the time when the same shall be presented.

§ 2. This act shall take effect immediately.

CHAP. 465.

Highways. **AN ACT** to amend the revised statutes in relation to the laying out of public roads and the alteration thereof.

PASSED June 16, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
1 R. S. 514.
1 Edm. 473,
ante, p. 183.

SECTION 1. Section sixty of article four of title one of chapter sixteen of the first part of the revised statutes is further amended so that said section shall read as follows:

Proceed-
ing in al-
tering or
laying out
road with-
out con-
sent of
owners.

§ 60. In all cases of the alteration of any road, or the laying out of any new road, (except where the same is altered, opened or laid out with the consent in writing of the owner or owners of the land to be taken for such alteration or opening,) the person or persons applying for the same shall serve a notice on the town clerk of the town, and on a justice of the peace and the commissioner or commissioners of highways thereof, asking for a jury to certify to the necessity of the same, and specifying a time not less than ten nor more than twenty days from the time of serving such notice when such jury will be drawn at the clerk's office of the town by the town clerk thereof, and shall notify in writing each of the owners or occupants through which such alteration or new road is proposed to be laid, of the time and place of drawing such jury, by personally serving such notice on such owner or occupant at least five days before the drawing of such jury, or by mailing a copy thereof at least eight days before such drawing to such owner or owners, in the manner prescribed by law for the service of legal notices. At the time and place mentioned the town clerk of such town, having received such notice that such jury is to be drawn, shall, in the presence of a justice of the peace or one of the commissioners of highways of the town, deposit in a box the names of all persons then residents of his town whose names are on the lists filed in said town clerk's office, of those selected and returned as jurors, pursuant to article second, title four, chapter seven, part third of the revised statutes, who are not interested in the lands through which such road is to pass or be located, nor of kin to the owner thereof, and shall publicly, in the presence of such justice of the peace or commissioner, draw therefrom the name of twelve persons, and shall make a certificate of such names and the purposes for which they were drawn, and shall deliver the same to the person asking for the jury, and the applicant for such jury shall pay to the said town clerk one dollar for drawing such jury. The applicant for such road or alteration of a road, on receiving such certificate, shall deliver the same to a justice of the peace of the town wherein the road is to be laid, and it shall be the duty of such justice forthwith to issue a summons to one of the constables of said town directing him to

Jury, how
drawn.
23 Barb. 197.

How sum-
moned.

summon the persons named in said certificate, specifying a time and place in said summons, at which the persons to be summoned shall meet, which shall not be less than ten nor more than twenty days from the issuing thereof; and in case the owner or owners of any lands through which said road or alteration is proposed to be located shall be a non-resident it shall be the duty of such justice to notify such owner or owners by mail, at least eight days before the meeting of such jury, of the time and place of such meeting, and if any person so summoned to attend as a juror shall neglect or refuse to attend at the time and place designated in such summons, the person or persons so neglecting or refusing to attend shall be liable, unless a sufficient excuse be established, to pay a fine of five dollars, which shall be sued for and recovered by the overseers of the poor of said town, and such fine shall be applied by them to the support of the poor thereof. If nine or more of the persons, who shall have been so drawn, not interested in the lands through which the road is to be laid, nor of kin to the owners thereof, shall appear at the time and place specified in the summons, they shall then be sworn by the justice of the peace who issued such summons well and truly to certify as to the necessity of the highway applied for, and if such justice of the peace shall refuse or neglect to attend at the time and place mentioned in said summons, such oath may be administered to such juror, by any other justice of the peace of said county; and the justice of the peace swearing such jury shall receive therefor from such applicant the sum of two dollars. Such jury shall then personally examine the route of such highway, and shall hear any reasons that may be offered for or against such proposed route or alteration. If nine or more of the number thereof shall be of opinion that such highway or alteration of a highway is necessary and proper, they shall make and subscribe a certificate in writing to that effect, which shall be delivered to the commissioners of highways of the town. But if such number thereof shall not certify that such road or alteration is necessary then no application for such road or alteration shall be made again in three months. Every juror shall be entitled to receive for his services as such juror the sum of one dollar and fifty cents, to be paid by such applicant, and the constable who may summon such jury shall receive therefor, from such applicant therefor, ten cents for summoning each juror summoned, and ten cents a mile for each mile actually and necessarily traveled in summoning such jury, in going from and returning to his place of residence therefor. If nine or more of such jurors shall make a certificate that such highway or alteration is necessary and proper, then the cost of such proceeding as hereinbefore provided shall be a charge against such town in favor of such applicant. The commissioners of highways shall decide upon such application for such road or alteration within thirty days after the decision of the jury, by an order in writing, which shall be filed in the office of the town clerk of such town.

§ 2. This act shall not affect any proceedings in relation to the laying out of any highway instituted under chapter two hundred and seventy-one of the laws of eighteen hundred and seventy-six, nor any proceedings of appeal therein.

§ 3. Chapter two hundred and seventy-one of the laws of eighteen hundred and seventy-six is hereby repealed.

§ 4. This act shall take effect immediately.

Relatives of owner not competent jurors, 23 Barb. 197; jury need not be charged, 3 Hun. 54; certificate, 23 Wend. 323; id. 36; 21 Barb. 578; 30 N. Y. 472; 27 Barb. 94; 7 Wend. 364; 3 Abb. App. Dec. 575; Damages, 7 Hun. 33; order laying out, 27 Barb. 94; 7 Hun. 17; filing certificate, 1 Cow. 539; 2 id. 623; 10 Wend. 122; Notice to occupant, 20 id. 186; 26 Barb. 544; 38 N. Y. 355.

Non-resident owners.

Neglect of jurors to attend.

Oath to jury.

Proceeding of jury.

Pay of jury.

Costs.

Commissioners to decide within thirty days. Limitation.

Repeal.

CHAP. 466.

General
Assignment
act.AN ACT in relation to assignments of the estates of debtors
for the benefit of creditors.

PASSED June 16, 1877; three-fifths being present.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

Short title.

SECTION 1. This act may be cited for all purposes as "The general
assignment act of eighteen hundred and seventy-seven."Assign-
ments,
requisites.

§ 2. Every conveyance or assignment made by a debtor of his estate,
real or personal, or both, to an assignee for the creditors of such debtor,
shall be in writing and shall be duly acknowledged before an officer
authorized to take the acknowledgment of deeds; and every such con-
veyance or assignment shall be recorded in the county clerk's office of
the county where such debtor resided or carried on his business at the
date thereof. An assignment by co-partners shall be recorded in the
county where the principal place of business of such co-partners is
situated. When real property is a part of the property assigned, and
is situated in a county other than the one in which the original assign-
ment is required to be recorded, a certified copy of such assignment
shall be filed and recorded in the county where such property is situ-
ated. The assent of the assignee, subscribed and acknowledged by
him, shall appear in writing, embraced in or at the end of or indorsed
upon the assignment, before the same is recorded, and, if separate from
the assignment, shall be duly acknowledged.

Assent of
assignee.

Inventory.

§ 3. A debtor making an assignment shall, at the date thereof or
within twenty days thereafter, cause to be made, and delivered to the
county judge of the county where such assignment is recorded, an in-
ventory or schedule containing

1. The name, occupation, place of residence, and place of business,
of such debtor.

2. The name and place of residence of the assignee.

3. A full and true account of all the creditors of such debtor, stating
the last known place of residence of each, the sum owing to each, with
the true cause and consideration therefor, and a full statement of any
existing security for the payment of the same.

4. A full and true inventory of all such debtor's estate at the date of
such assignment, both real and personal, in law and in equity, with
the incumbrances existing thereon, and of all vouchers and securities
relating thereto, and the nominal as well as actual value of the same
according to the best knowledge of such debtor.

Affidavit to
inventory.
When as-
signee to
make
inventory.
Amended
1878, ch. 318,
post, p. 624.

5. An affidavit made by such debtor that the same is in all respects
just and true. But in case such debtor shall omit, neglect, or refuse
to make and deliver such inventory or schedule within the twenty
days required, the assignment so recorded shall not for that reason be-
come invalid, but the assignee named in such assignment may, within
thirty days after the date thereof, cause to be made and delivered to
the county judge of the county where such assignment is recorded,
such inventory or schedule as above required in so far as he can, and
for such purpose said county judge shall at any time upon the appli-
cation of such assignee compel such delinquent debtor and any other
person to appear before him and disclose any knowledge or information
he may possess necessary to the proper making of such inventory or

As to jurisdiction see *Matter of Nicholas*, 15 Hun, 317. Security on appeal, *Matter of
Beckwith*, id. 328.

schedule; and the books and papers of such delinquent debtor shall at all times be subject to the inspection and examination of any creditor. The assignee shall verify the inventory so made by him, to the effect that the same is in all respects just and true to the best of his knowledge and belief. In case an inventory shall not be made and filed within thirty days, by the debtor or or * the assignee, the assignment shall be void.

Failure to
file
inventory.

§ 4. The county judge may, upon the petition of the assignee, authorize him to advertise* for creditors to present to him their claims, with the vouchers therefor, duly verified, on or before a day to be specified in such advertisement, not less than thirty days from the last publication thereof, which advertisement or notice shall be published in two newspapers, to be designated by the county judge, as most likely to give notice to the persons to be served, not less than once a week for six successive weeks, and, if it appears that any of such creditors reside out of the state, then in like manner in the state paper.

Advertis-
ement for
claims.

§ 5. The assignee named in any such assignment shall, within thirty days after the date thereof, and before he shall have any power or authority to sell, dispose of or convert to the purposes of the trust any of the assigned property, enter into a bond to the people of the state of New York, in an amount to be ordered and directed by the county judge of the county where such assignment is recorded, with sufficient sureties to be approved of by such judge, and conditioned for the faithful discharge of the duties of such assignee and for the due accounting for all moneys received by him, which bond shall be filed in the clerk's office of the county where such assignment is recorded, but in case the debtor shall fail to present such inventory within the twenty days required, then the assignee, before the ten days thereafter shall have elapsed, may apply to said county judge by verified petition for leave to file a provisional bond, until such time as he may be able to present the schedule or inventory as hereinbefore provided.

Bond of
assignee.

§ 6. The county judge may at any time on petition of one or more creditors, showing misconduct or incompetency of the assignee, or on petition of the assignee himself, showing sufficient reason therefor, and after due notice of not less than twenty days to the assignor, assignee and surety, remove or discharge the assignee and appoint another in his place, and order an accounting of the assignee so removed or discharged, and may enjoin such assignee from interfering with the assigned estate, and make provisions by order for the safe custody of the same, and enforce obedience to such injunction and orders by attachment, and upon his discharge, upon his own application, such assignee's bond shall be cancelled and discharged. The new assignee shall give a bond to be approved as above required.

Removal
of as-
signee.
Amended
1878, ch.
318, post, p.
624, N. Y.
248.

§ 7. The county judge may, upon his own motion or upon the application of any party in interest, and on such notice as he may direct to be given to the assignor, assignee and surety, require further security to be given whenever in his judgment the security afforded by the bond on file is not adequate.

Further
security.

§ 8. A failure to file any bond required by or under this act or the acts hereby amended, within the specified time will not deprive the county judge of his power over the assignee or the trust estate.

Failure to
file bond.

§ 9. Any action brought upon an assignee's bond may be prosecuted by a party in interest by leave of the court; and all moneys realized thereon shall be applied by direction of the county judge in satisfac-

Action on
bond.

* So in the original.

tion of the debts of the assignor, in the same manner as the same ought to have been applied by such assignee.

Death of
assignee.

§ 10. In case an assignee shall die during the pendency of any proceeding under this act, or at any time subsequent to the filing of any bond required herein, his personal representative or successor in office, or both, may be brought in and substituted in such proceeding on such notice (of not less than eight days), as the county judge may direct to be given; and any decree made thereafter shall bind the parties thus substituted as well as the property of such deceased assignee, provided, however, that if such assignee die subsequent to the filing of his bond and before any proceedings may have been had thereunder, then the surety on such bond may apply to the county judge for an accounting, who may, on such terms as to him seem just and proper, appoint another assignee and release such surety.

Account-
ing.
Amended
1878, ch.
818, post, p.
624.

§ 11. The county judge may issue a citation requiring the parties to show cause why an accounting and settlement should not be had, on petition of an assignee at any time after the assignment, or on petition of a creditor, or an assignee's surety, or an assignor, at any time after the lapse of one year from the date of such assignment, or on his own motion, on the removal of an assignee as hereinbefore provided.

Citation.

§ 12. A citation issued on the petition of a creditor may be addressed to and served on the assignee alone, but on or after the return of such citation the assignee may have a general citation issued to all parties interested.

Amended
1878, ch.
818, post, p.
624.

§ 13. A citation to all parties interested must be served on all parties, other than the petitioner, who are interested in the fund, including assignors, assignees and their sureties, except that if the time limited by due advertisement for presentation of claims has expired before the issue of the citation, creditors who have not duly presented their claims need not be served.

Service of
citation.

§ 14. A citation personally served within the county of the judge or an adjoining county must be so served at least eight days before the return thereof; if in any other county, at least fifteen days before the return thereof.

Service by
publi-
cation.

§ 15. The county judge may direct service to be made by publication when he is satisfied by affidavit or verified petition either that the person to be so served is unknown, or that his residence cannot, after diligent inquiry, be ascertained, or that he cannot, after due diligence, be found within the state. The order for such service must direct service of the citation upon such person to be made by publication thereof in one newspaper to be designated by the county judge as most likely to give notice to the person to be served, and also, if it appear that any such person resides without the state, then in the state paper for such length of time as he may deem reasonable, not less than once a week for six weeks, and that a copy of the citation be forthwith deposited in the post-office duly enclosed and directed to each person so served, at his last known place of residence or post-office address, and the postage paid thereon, at least thirty days before the return day thereof.

Personal
service
without
the state.

§ 16. When publication has been ordered, personal service without the state made if within the United States at least thirty days, or without the United States, at least forty days before the return day is equivalent to publication and mailing.

Service on
minors,
etc.

§ 17. Personal service upon minors and persons incompetent shall be made in the manner prescribed by law for the service of citations issued by a surrogate, in cases of final accounting.

§ 18. Personal service upon one of two or more creditors who claim as co-partners or otherwise as joint creditors shall be equivalent to personal service on all, and voluntary appearance either in person or by attorney shall be equivalent to personal service.

On joint creditors.

§ 19. On the return of a citation to all parties interested, any person claiming an interest, although not served, may appear and become a party on duly presenting his claim.

Appearance without service.

§ 20. On a proceeding for an accounting under this act the county judge shall have power:

Power of county judge on accounting. Amended 1878, ch. 818, post, p. 624, 6 Abb. N. C. 289.

1. To examine the parties and witnesses on oath in relation to the assignment and accounting and all matters connected therewith and to compel their attendance for that purpose and their answers to questions, and the production of books and papers.

2. To require the assignee to render and file an account of his proceedings, and to enforce the same in the manner provided by law for compelling an executor or administrator to comply with a surrogate's order for an account.

3. To take and state such account, or to appoint a referee to take and state it; and such referee shall have the powers enumerated in subdivision one of this section.

4. To settle and adjudicate upon the account and the claims presented, and to decree payment of any creditor's just proportional part of the fund, or, in case of a partial accounting, so much thereof as the circumstances of the case render just and proper.

15 Hun. 326.

5. To discharge the assignee and his surety at any time, upon performance of the decree, from all further liability upon matters included in the accounting, to creditors appearing and to creditors not having appeared after due citation, or not having presented their claims after due advertisement.

6. On proof of a composition between the assignor and his creditors, to discharge the assignee and his surety from all further liability to the compounding creditors appearing or duly cited, and to authorize the assignee to release* the assets to the assignor; provided however that if there be any creditors not assenting to the composition, the judge shall determine what proportion of the fund shall be paid to or reserved for creditors not assenting, which shall not be less than the sum or share to which they would be entitled if no composition had been made, and may decree distribution accordingly.

7. To adjourn the proceedings from time to time, issue further citations if necessary, and amend the petition and proceedings thereon before decree in furtherance of justice.

8. To punish as for a contempt any disobedience or violation of any order made or process issued in pursuance of this act or the acts hereby amended, and to restrain by arrest and imprisonment any party or witness when it shall satisfactorily appear that such party or witness is about to leave the jurisdiction of the court, and to take bail to secure the attendance of such party or witness, to be prosecuted under the order of the court in case of forfeiture by and for the benefit of the party in whose interest such examination shall be ordered.

9. To exercise such other or further powers in respect to the proceedings and the accounting therein as a surrogate may by law exercise in reference to an accounting by an executor or administrator.

§ 21. The county judge may also, at any time, on petition of any party interested, order the examination of witnesses and the produc-

Examination of

*So in the original.

witness,
books, etc.

tion of any books and papers by any party or witness before him or before a referee appointed by him for such purpose, and the evidence so taken, together with books and papers, or extracts therefrom, as the case may be, shall be filed in the county clerk's office, and may be used in evidence by any creditor or assignee in any action or proceeding then pending, or which may hereafter be instituted. No witness or party as above provided shall be excused from answering on the ground that his answer may criminate him, but such answer shall not be used against him in any criminal action or proceeding.

Witness.

Effect of
orders and
decrees.
Amended
1878, ch.
318, post, p.

§ 22. All orders or decrees in these proceedings shall have the same force and effect, and may be entered, docketed and enforced and appealed from, the same as like orders or decrees of the county court in an original action brought therein.

Comprom-
ise of
debts.

§ 23. The county judge of the county where the assignment is recorded may upon the application of the assignee and for good and sufficient cause shown, and on such terms as he may direct, authorize the assignee to compromise or compound any claim or debt belonging to the estate of the debtor. But such authority shall not prevent any party interested in the trust estate from showing upon the final accounting of such assignee that such debt or claim was fraudulently or negligently compounded or compromised. And the assignee shall be charged with, and be liable for, as part of the trust fund, any sum which might or ought to have been collected by him.

18 Hun, 232.

Papers,
where
filed in
New York.

§ 24. In the city and county of New York all papers, except assignments, which by this act are required to be hereafter filed or recorded in the county clerk's office shall be filed or recorded in the office of the clerk of the court of common pleas of said city and county; and any judge of said court may exercise all the powers of a county judge for said county for the purposes of this act, and any act or proceeding commenced or returnable before, or instituted or ordered by, one of the judges of said court, may be heard, continued or completed, by or before any other of them.

Judge to
act.

Jurisdi-
ction, 15
Hun, 317.

§ 25. Any proceeding under this act shall be deemed for all purposes, including review by appeal or otherwise, to be a proceeding had in the court as a court of general jurisdiction, and the court shall have full jurisdiction to do all and every act relating to the assigned estate, the assignees, assignors and creditors, and jurisdiction shall be presumed in support of the orders and decrees therein unless the contrary be shown, and after the filing or recording of an assignment under this act, the court may exercise the powers of a court of equity in reference to the trust and any matters involved therein.

Trials as to
disputed
claims.
Amended
1878, ch.
318, post, p.
624.

§ 26. The court or county judge may, in its or his discretion, order a trial by jury or before a referee of any disputed claim or matter arising under the provisions of this act or the acts hereby amended, and may, in its or his discretion, award reasonable counsel fee and costs; and determine which party shall pay the same, and may make all necessary rules to govern the practice under this act.

Explana-
tory.

§ 27. Whenever words in this act importing the plural number are used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not be used, and when any singular matter, party or person is described or referred to by words importing the singular number or the masculine gender, several matters and persons, and females as well as males, and bodies corporate as well as individuals shall be deemed to be included, unless otherwise specially provided or

unless there be something in the subject or context repugnant to such construction.

§ 28. Chapter three hundred and forty-eight of the laws of eighteen hundred and sixty, entitled "An act to secure to creditors a just division of the estates of debtors, who convey to assignees for the benefit of creditors," and the several acts amendatory thereof, are hereby repealed, but this shall not affect any proceedings had; and any proceedings pending under the acts hereby referred to may be continued under this act.

Repeal.

§ 29. This act shall take effect immediately.

CHAP. 469.

AN ACT to amend chapter sixty-eight of the laws of eighteen hundred and seventy-one, entitled "An act for the incorporation of private and family cemeteries."*

Cemeteries.

PASSED June 16, 1877; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter sixty-eight of the laws of eighteen hundred and seventy-one, entitled "An act for the incorporation of private and family cemeteries,"* is hereby amended by adding as section ten, the following:

Amending chap. 68, Laws 1871. § Edm. 59.

§ 10. Additional adjoining lands may be acquired by purchase by any private or family cemetery now or hereafter organized under the provisions of this act to an extent not to exceed three acres in all; but no additional lands so purchased or otherwise acquired shall be used for the purpose of burial, within three hundred feet of any dwelling, without the written consent of the owner or owners thereof.

Additional lands. 66 N. Y. 569.

§ 2. This act shall take effect immediately.

The act intended to be amended by the above is apparently ch. 112, L. 1854 (*ante*, vol. 3, p. 754), as amended by ch. 68, L. 1871.

CHAP. 473.

AN ACT to provide for the determination and payment of claims for goods, merchandise and material furnished, and labor performed, in fitting up and furnishing armories and drill rooms in the city of New York.

New York.

PASSED June 22, 1877; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any building or buildings in the city of New York, between the first day of January, eighteen hundred and seventy-one, and the first day of May, eighteen hundred and seventy-six, has or have been in whole or in part, actually used and occupied as an armory or drill room or rooms, for any regiment or other organization of the national guard of the state of New York, assigned to such building or buildings, and whenever any goods, merchandise or materials have been furnished, or labor performed in fitting up and furnishing any such armory or drill room or rooms for the use of such

Liability for materials, labor, etc., in fitting up drill rooms.

Compensation, how determined.

Hearing of claimants.

Report of commissioners.

Awards on assigned claims.

Payments of claims.

Limitation of claims.

Money, how raised.

regiments or organizations it shall be lawful for the comptroller of the city of New York to, and he shall, and the mayor, aldermen and commonalty of the city of New York are hereby made liable to pay for such goods and merchandise and materials, and labor as shall have been found actually necessary and requisite for the exclusive uses and purposes of any armory and drill room and shall have not already been paid for, such compensation as shall be awarded by a commission consisting of the mayor and comptroller of the city of New York, and such commissioner of the department of taxes and assessments of the said city as the said comptroller shall, and he is hereby required to designate, within ten days after the passage of this act; the determination of a majority to be the decision of the commission.

§ 2. Claimants may be heard before such commission, upon ten days' notice to the department of finance, and upon the hearing, witnesses may be examined and evidence introduced for and against the claim. Due notice of the hearings shall be given by each claimant to the corporation counsel of the city of New York, whose duty it shall be to attend on such hearing and protect the interests of the city. The testimony of any deceased claimant taken in any judicial proceeding may be introduced before said commission with the same effect as though he had appeared and testified orally. The commissioners are and each of them is hereby authorized to administer an oath to witnesses. The attendance of witnesses may be compelled by subpoena, signed by any commissioner. The said commission shall, in the reception of testimony, be governed by the rules and practice applicable to suits at law, except as otherwise hereinbefore provided.

§ 3. The commissioners or a majority of them shall certify and report in writing, and file in the office of the comptroller of the city of New York, their determination upon each claim brought before them, and such determination shall be final and binding upon all parties concerned.

§ 4. In case any person or persons who has or have furnished goods, merchandise and material, or performed labor and services in fitting up and assigned said armories and drill rooms, shall have sold or assigned his claim, no award shall be made to the assignee or assignees thereof by said commission of a sum greater than was paid by him or them for such claim; and on the hearing of each case arising under this act, the said commission shall examine and inquire as to any such assignment, and the amount paid. And in respect to any claim not so sold or assigned payment thereof to the extent of the compensation awarded shall be made directly to the claimant or his personal representatives and not to any other person upon the order of such claimant.

§ 5. No claim shall be acted upon under this act by said commissioners unless the same shall be presented within six months after this act goes into effect.

§ 6. The comptroller of the city of New York is hereby directed to borrow upon bonds of the mayor, aldermen and commonalty of the city of New York, bearing interest at the rate of not exceeding seven per cent per annum, and payable at a period not to exceed three years from the date thereof, an amount not to exceed fifty thousand dollars to be used exclusive of interest, to make all the payments herein provided for.

§ 7. This act shall take effect immediately.

CONCURRENT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY.

CONCURRENT RESOLUTION

Proposing an amendment to the constitution, to be known as article seventeen thereof.

Resolved (if the assembly concur), That the constitution be amended by adding thereto a new article to be known as article seventeen, and to read as follows:

ARTICLE XVII.

§ 1. The power of the legislature to provide for the organization and government of cities shall be exercised in accordance with the provisions, and subject to the limitations and restrictions hereinafter contained, and the powers and franchise of every existing city government must be exercised in conformity therewith. The legislature shall, at its first session after the adoption of this article, provide by law for carrying into effect all the provisions contained therein.

§ 2. City elections shall be held separately from the state and national elections, and in March or April.

§ 3. The legislative power conferred on any city shall be vested in a board of aldermen, to be elected by the electors qualified under article second of the constitution, which shall be the common council of said city; but no power hereinafter vested in the board of finance shall be conferred on or exercised by the board of aldermen. No power shall be conferred by the legislature on the board of finance except the powers conferred by this constitution, or such as may be necessary to carry the powers granted thereby into effect. In case of a veto of any legislative act of the board of aldermen by the mayor, the board shall have power to pass the same, notwithstanding the mayor's veto, by a

CONCURRENT RESOLUTIONS.

recorded vote of two-thirds of all the members elected, provided that such vote be taken at the next meeting of the board after the communication of the veto.

§ 4. The executive power of every city shall be vested in the mayor and in such executive officers and departments as may be created by law. The mayor shall be the chief executive officer of the city, and he shall see to the faithful performance of their duties by the several executive officers and departments thereof. He shall be elected by electors qualified under article second of the constitution, for such term, and he shall receive such compensation as the legislature may prescribe. He shall nominate, and with the consent of the board of finance, appoint the chief officer or head of the financial department, and the chief law officer or head of the law department; and he shall have power to appoint the head or chief officers of the other executive departments. With the written approval of the governor, the mayor may remove the head or chief officers of any executive department. He shall have power to investigate their accounts and proceedings; have access to all books and documents in their offices, and may examine them and their subordinates under oath, as to all matters relating to the performance of their official duties. He shall also have power to veto any legislative act of the board of aldermen. The mayor may be removed by the governor for cause, as in the case of sheriffs; and in case of such removal, the governor shall appoint a mayor to fill the vacancy, who shall hold office until the next succeeding city election, at which election a mayor shall be elected for the full term of the office. The legislature shall provide for the filling of a vacancy in the office of mayor, otherwise occurring, until the next succeeding city election, and also for the discharge of the duties of the mayor during his temporary absence or disability. Heads of departments shall have power to appoint and remove their subordinate officers and employes, but the legislature may regulate by law the qualifications for such appointments, and the conditions of such removals.

§ 5. There shall be elected in every city of this state a board of finance, to consist of not less than six nor more than fifteen members, who shall possess the qualifications required for electors of members of said board.

§ 6. In cities having a population, according to the state census next preceding the election, of over one hundred thousand inhabitants, the board of finance shall be elected by the electors of the city (otherwise qualified under article second of the constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them, and officially assessed for taxation in such city, of the assessed value of not less than five hundred dollars, or shall have actually paid during the same period a yearly rent, for premises in said city occupied by them for purposes of residence or lawful business, of not less than two hundred and fifty dollars. In cities having a population, according to the state census next preceding the election, of not more than one hundred thousand inhabitants, the board of finance shall be elected by the electors of the city (otherwise qualified under article second of the constitution), who shall, for two years next preceding the election, have paid an annual tax on property owned by them, and officially assessed for taxation in such city, or who shall have actually paid during the same period a yearly rent, for premises in said city occupied by them for purposes of residence or lawful business, of not less than one hundred dollars. In cities having a population, according to the state census next pre-

ceding the election, of not more than twenty-five thousand inhabitants, the board shall consist of six members. In cities having a population of over twenty-five thousand inhabitants and not more than fifty thousand, it shall consist of nine members. In cities having a population of over fifty thousand inhabitants and not more than one hundred thousand, it shall consist of twelve members; and in cities having a population of over one hundred thousand inhabitants it shall consist of fifteen members. At the first election one-third of the board shall be elected for a term of one year, one-third thereof for a term of two years, and one-third thereof for a term of three years; and thereafter the term of office shall be three years. The existence of any vacancy in the board shall not of itself suspend the exercise of its powers and duties. The legislature shall, at its first session after the adoption of this article, and thereafter from time to time, as may be necessary, provide by general law for the registration, in every city, of electors qualified to vote for the board of finance, and for filling vacancies in said board, and may change the number of members of which the said board shall consist in any city, provided that the number shall not, in any case, be less than six, and that one-third of the board shall be elected annually.

§ 7. The board of finance shall, in every fiscal year make estimates of the sums of money necessary for the proper administration of the city government during the next fiscal year, and which are to be raised by taxation or supplied by the revenue of the city derivable from other sources, and applicable to general purposes. Such estimates shall include the sums requisite for the payment of the interest on bonds or other city debts drawing interest, the principal of any debts payable during the year, judgments against the city, the sums sufficient to make good all deficiencies in the payment of taxes on personal estate for the last preceding year, and any deficiencies in the collection of taxes on real estate for any preceding year which may be found by the board to be uncollectable,* and also any deficiencies in the collection of the estimated revenues from other sources, and all other sums required by law to be raised by taxation. The estimates shall also separately state the aggregate amount of moneys in the treasury or receivable during the next fiscal year, applicable to general purposes, in which may be included any prior unexpended appropriations which, in the judgment of the board, may not be required to meet existing liabilities; and shall, in like manner, separately state the aggregate amount to be raised by taxation. The board shall submit the estimates, when completed, to the mayor, who shall, within ten days thereafter, return the same to the board, with his approval, or with his objection, if any he have, in writing, specifying the items objected to; and the items thus objected to but no others, shall be reconsidered and finally determined by the board. The board shall, after the return of the estimates by the mayor, and the action of the board upon the items objected to, if any, or in the event of a failure of the mayor to return the same as above required, proceed by resolution to declare the estimates to be final and adopted, and the several sums of money therein estimated as necessary, shall become and be appropriated to and for the departments and officers therein mentioned and for the objects and purposes therein mentioned. The aggregate amount to be raised by taxation shall be stated in such resolution, and shall thereupon be levied

* So in the original.

and collected in the manner provided by law for the levying and collecting of the city taxes. The board of finance may, during any current fiscal year, by a unanimous vote, and with the approval of the mayor, in case of pestilence, conflagration, or other unforeseen public calamity, transfer sums of money appropriated to one department, object or purpose, and not required to satisfy existing liabilities, to another department, object or purpose. A vote of the majority of the entire board shall be necessary to the passage of any measure or resolution; and a vote of two-thirds of the entire board shall be necessary to the adoption of the estimates hereinbefore provided for, or any item thereof, or to authorize the issue of any stock or bonds, and in such other cases as are hereinafter specified. It shall be the duty of the several departments, boards and officers, and the common council to furnish all such statements and accounts as the board of finance may require, and at such times and in such manner as the said board may prescribe; and the board of finance shall also have power to examine the books and papers of the several executive departments and officers, and to examine such officers upon oath, concerning their official business.

§ 8. No debt or liability shall be incurred by any department, board or any officer in any city, unless there shall be at the time an unexpended appropriation applicable thereto sufficient to satisfy the same and all debts and liabilities previously incurred and payable out of such appropriation; and all contracts and engagements in contravention hereof shall be void. Nor shall any debt or liability of the city be paid, except out of money in the treasury appropriated to the purpose of paying such debt or liability. No city government, or any department thereof, shall grant any extra compensation to any officer, servant, agent, contractor or employe.

§ 9. The legislature shall itself have no power to pass any law for the opening, making, paving, lighting, or otherwise improving or maintaining streets, avenues, parks or places, docks or wharves, or for any other local work, or improvement in or for a city, but all authority necessary for such purposes shall be by law conferred on the city government; nor shall the legislature impose any charge on any city or civil division of the state containing a city, except by a vote of two-thirds of all the members elected to each house. Any local work or improvement, in or for a city, the cost of which is to be wholly paid by the city at large, must be authorized by resolution, passed by the vote of two-thirds of all the members elected to the board of aldermen and board of finance, respectively. Any such work or improvement, the cost of which is to be wholly paid otherwise than by the city at large, must be authorized by the vote of two-thirds of all the members elected to the board of aldermen, with the consent of a majority in interest, to be ascertained in such manner as the legislature may prescribe, of all the owners of land within the district of assessment limited for the cost of such work or improvement. Any such work or improvement, the cost of which is to be paid in part by the city at large, and in part by local assessment, must be authorized by a resolution passed by the vote of two-thirds of all the members elected to the board of aldermen and board of finance, respectively, with the consent of a majority in interest, to be ascertained as hereinbefore directed, of all the owners of the land within the prescribed district of assessment.

§ 10. No money shall be borrowed by any city government for the purpose of defraying any of the expenses of the city for which an

appropriation has been made, except in anticipation of the revenue of the year in which the same may be borrowed, applicable to such purposes; and all moneys so borrowed must be paid out of such revenue, or out of revenues specially provided to supply any deficiency in the collection thereof; provided, however, that temporary loans, in anticipation of taxes, may be renewed, so far as such taxes may not have been collected, when the same are, in the opinion of the board, fully secured by valid liens on real estate. No city shall borrow any money for any other purpose, except under and in accordance with the following conditions and limitations, in addition to any other conditions and limitations contained in the constitution:

1. The debt must be for some single work or object only, and must be authorized by a resolution passed by a vote of two-thirds of all the members of the board of finance, and approved by the mayor, distinctly specifying such work or object, and the amount of the debt to be incurred.

2. The legislature must, before the creation of such a debt, assent thereto by a law passed by a vote of two-thirds of all the members elected to each house. Such law shall also distinctly specify the single work or object for which the debt is created, and the amount of the debt authorized, and shall contain provisions for a sinking fund to meet the same at maturity, and requiring at least ten per cent of the principal to be annually raised by taxation and paid into the sinking fund.

§ 11. Except as prescribed by the first section of this article, no change in the organization of, or in the distribution of powers in, a city government, or in the terms or tenure of office therein, shall be made by the legislature, unless by an act passed upon the application of the city, made by resolution both of the board of aldermen and of the board of finance, respectively, approved by the mayor, or by an act which shall have received the sanction of two successive legislatures.

Resolved (if the assembly concur), That the foregoing amendment be referred to the legislature to be chosen at the next general election of senators, and that, in conformity to section one of article thirteen of the constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK. }
In Senate, April 12, 1877. }

The foregoing resolution was duly passed,
a majority of all the senators elected
voting in favor thereof.

By order,

HENRY A. GLIDDEN, *Clerk*.

STATE OF NEW YORK. }
In Assembly, May 18, 1877. }

The foregoing resolution was duly passed,
a majority of all the members elected to
the assembly voting in favor thereof.

By order,

EDWD M. JOHNSON, *Clerk*.

CONCURRENT RESOLUTIONS.

CONCURRENT RESOLUTION

Proposing an amendment to article three of the constitution

Resolved (if the assembly concur), That section twenty-two of article three of the constitution be amended so as to read as follows:

§ 22. There shall be in the several counties, except in cities whose boundaries are the same as those of the county, a board of supervisors, to be composed of such members and elected in such manner and for such period as is or may be provided by law. In any such city the duties and powers of a board of supervisors may be devolved upon the board of aldermen thereof, except such duties and powers as involve the making of contracts, procuring supplies, or creating, auditing or allowing county charges, all which duties and powers, whether now existing or hereafter to be created, shall be exercised and performed exclusively by the board of finance.

Resolved (if the assembly concur), That the foregoing amendment be referred to the legislature, to be chosen at the next general election of senators, and that, in conformity to section one of article thirteen of the constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK. }
In Senate, April 10, 1877. }

The foregoing resolution was duly passed,
a majority of all the senators elected vot-
ing in favor thereof.

By order,

HENRY A. GLIDDEN, *Clerk*.

STATE OF NEW YORK. }
In Assembly, May 22, 1877. }

The foregoing resolution was duly passed,
a majority of all the members elected to
the assembly voting in favor thereof.

By order,

EDW'D M. JOHNSON, *Clerk*.

CONCURRENT RESOLUTION

Proposing an amendment to article two of the constitution.

Resolved (if the assembly concur), That section one of article two of the constitution be amended so as to read as follows:

§ 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ten days, and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the district of which he shall at the time be a resident, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people, and upon all questions which may be submitted to the vote of the people; but the legislature may provide that elections for members of city boards shall be so regulated as to

give to minorities a proportionate share of representation therein. Provided that, in time of war, no elector in the actual military service of the state or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

Resolved (if the assembly concur), That the foregoing amendment be referred to the legislature, to be chosen at the next general election of senators, and that, in conformity to section one of article thirteen of the constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK, }
In Senate, April 10, 1877. }

The foregoing resolution was duly passed,
a majority of all the senators elected voting
in favor thereof.

By order,

HENRY A. GLIDDEN, *Clerk*.

STATE OF NEW YORK, }
In Assembly, May 22, 1877. }

The foregoing resolution was duly passed,
a majority of all the members elected to
the assembly voting in favor thereof.

By order,

EDW'D M. JOHNSON, *Clerk*.

CONCURRENT RESOLUTION

Proposing an amendment to section six of article six of the constitution.

Resolved (if the assembly concur), That section six of article six of the constitution, be amended so that it shall read as follows:

§ 6. There shall be the existing supreme court with general jurisdiction in law and equity, subject to such appellate jurisdiction of the court of appeals as now is or may be prescribed by law; and it shall be composed of the justices now in office, with one additional justice, to be elected as hereinafter provided, who shall be continued during their respective terms and of their successors. The existing judicial districts of the state are continued until changed pursuant to this section. Five of the justices shall reside in the district in which is the city of New York, and five in the second judicial district, and four in each of the other districts. The legislature may alter the districts without increasing the number, once after every enumeration, under this constitution, of the inhabitants of the state.

Resolved (if the assembly concur), That said amendment be referred to the legislature to be chosen at the next general election for senators, and that pursuant to section one of article thirteen of the constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK, }
In Senate, May 1, 1877. }

The foregoing resolution was duly passed,
a majority of all the senators elected voting
in favor thereof.

By order,

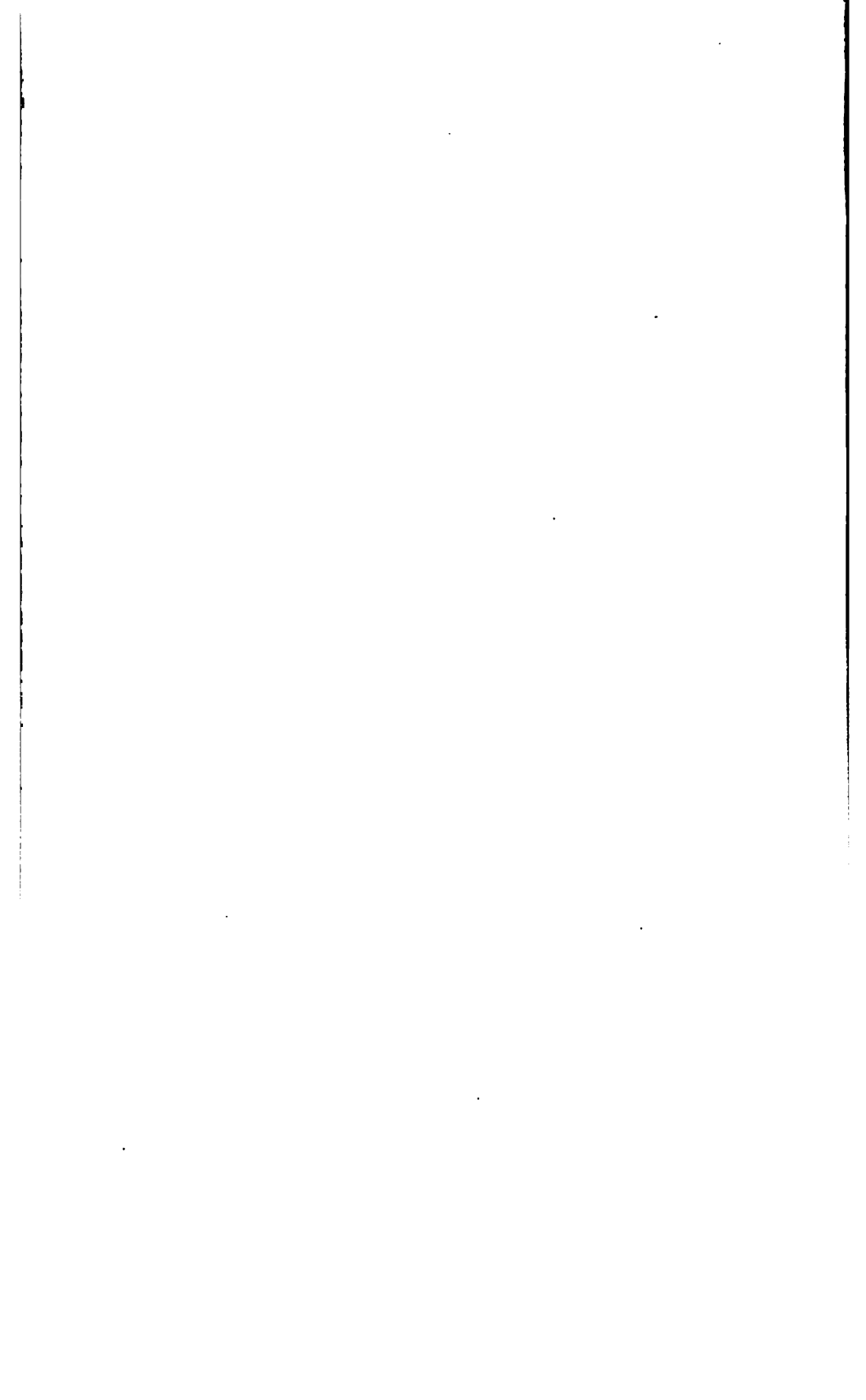
HENRY A. GLIDDEN, *Clerk*.

STATE OF NEW YORK, }
In Assembly, May 22, 1877. }

The foregoing resolution was duly passed,
a majority of all the members elected to
the assembly voting in favor thereof.

By order,

EDW'D M. JOHNSON, *Clerk*.



TITLES OF ACTS

PASSED AT THE ONE HUNDRED AND FIRST SESSION,

1878.

(The beginning of the titles of the acts included in this compilation are, in this list, printed in heavier type than the private ones.)

CHAP. 1. An act to legalize certain proceedings of the board of supervisors of the county of Saratoga. Passed January 10, 1878; three-fifths being present.

CHAP. 2. An act authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year eighteen hundred and seventy-eight. Passed January 19, 1878; three fifths being present.

CHAP. 3. An act conferring certain powers on the clerk of the surrogate's court of the county of Kings. Passed January 19, 1878; three-fifths being present.

CHAP. 4. An act to facilitate the transfer to the United States of the title to the Antietam National Cemetery in the state of Maryland. Passed January 19, 1878; by a two-third vote.

CHAP. 5. An act to authorize the board of supervisors of Orange county to issue bonds to provide for the payment of certain outstanding certificates of indebtedness of said county. Passed January 22, 1878; three-fifths being present.

CHAP. 6. An act to repeal the act entitled "An act to incorporate the Chenango County Savings Bank," passed March seventeenth, eighteen hundred and sixty. Passed January 22, 1878.

CHAP. 7. An act making appropriation for continuing work upon the new capitol during the winter and spring of eighteen hundred and seventy-eight, and for the demolition of the buildings known as "Congress Hall." Passed January 24, 1878; three-fifths being present.

CHAP. 8. An act to regulate the time of the payment of the salary of the judges of the city court of Brooklyn, of the county judge and surrogate of the county of Kings. Passed January 25, 1878; three-fifths being present.

CHAP. 9. An act to legalize and confirm the official acts of John W. C. Leveridge, of the city of New York, a notary public. Passed January 26, 1878; three-fifths being present.

CHAP. 10. An act to provide for the collection of certain unpaid taxes in the village of Glens Falls. Passed January 30, 1878; three-fifths being present.

CHAP. 11. An act to legalize the drawing of a petit jury for the Schoharie county court and court of sessions for February term in eighteen hundred and seventy-eight. Passed January 30, 1878; three-fifths being present.

CHAP. 12. An act to amend chapter one hundred and forty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to regulate the expenditures for poor purposes in Seneca county." Passed January 31, 1878; three-fifths being present.

CHAP. 13. An act to repeal chapter seventy-two of the laws of eighteen hundred and seventy-seven, passed March twenty-ninth, eighteen hundred and seventy-seven, entitled "An act to regulate voting in the Western New York Agricultural Society." Passed February 2, 1878.

- CHAP. 14.** An act to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eight, eighteen hundred and sixty-one, and the various acts amendatory thereof. Passed February 2, 1878; three-fifths being present.
- CHAP. 15.** An act to legalize and confirm the official acts of James Monroe, a justice of the peace of the town of Worth, in the county of Jefferson. Passed February 4, 1878; three-fifths being present.
- CHAP. 16.** An act to release the interest of the people of the state of New York in certain real estate in Flushing, Queens county, to Elijah Rontas. Passed February 4, 1878; by a two-third vote.
- CHAP. 17.** An act to release to Catharine Ringler the interest of the people of the state of New York, in and to the surplus moneys deposited with the chamberlain of the city of New York, to the credit of the action in the supreme court, wherein John Adelhardt was plaintiff and Catharine Ringler and others were defendants. Passed February 8, 1878; by a two-third vote.
- CHAP. 18.** An act in relation to field books, surveys, maps, official papers, reports and records, in the office of the state engineer and surveyor. Passed February 13, 1878; three-fifths being present.
- CHAP. 19.** An act to amend chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter four hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Hamilton, in the county of Madison, and repeal its present charter," and to repeal chapter two hundred and fifty of the laws of eighteen hundred and seventy, chapter eighteen of the laws of eighteen hundred and seventy-four, and chapter one hundred and forty-two of the laws of eighteen hundred and seventy-five. Passed February 13, 1878; three-fifths being present.
- CHAP. 20.** An act to authorize the town of Richfield, in the county of Otsego, to refund its funded debt. Passed February 13, 1878; three-fifths being present.
- CHAP. 21.** An act authorizing the appointment of a person to perform clerical duties, in the supreme court in Kings county. Passed February 13, 1878; three-fifths being present.
- CHAP. 22.** An act to amend chapter one hundred and two of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Onondaga County Milk Association. Passed February 15, 1878.
- CHAP. 23.** An act to authorize the extension of the time for the collection of taxes in the several towns of this state. Passed February 15, 1878; three-fifths being present.
- CHAP. 24.** An act to change the name of the Woman's Aid Society and Home for Training Young Girls. Passed February 15, 1878.
- CHAP. 25.** An act to authorize the board of education of Fairport union free school, district number nine of the town of Perinton, Monroe county, to issue coupon bonds to replace the moneys lost by the district, through the defalcation of its treasurer. Passed February 15, 1878; three-fifths being present.
- CHAP. 26.** An act authorizing the city of Kingston to issue bonds for the purpose of creating a fund to pay the principal of the bonded indebtedness of said city, falling due in the years eighteen hundred and seventy-nine, eighteen hundred and eighty, eighteen hundred and eighty-one, and eighteen hundred and eighty-two, and its proportion or quota of the bonded indebtedness of the county of Ulster falling due in said years. Passed February 16, 1878; three-fifths being present.
- CHAP. 27.** An act to amend chapter one hundred and twenty-nine of the laws of eighteen hundred and fifty-six, entitled "An act in relation to school district number six in the town of Lyons, Wayne county." Passed February 21, 1878; three-fifths being present.
- CHAP. 28.** An act relating to diseased animals. Passed February 23, 1878; three-fifths being present.
- CHAP. 29.** An act making appropriations for the support of government. Passed February 25, 1878; by a two-third vote.

- CHAP. 30.** An act to amend article third of title three of chapter six of the second part of the Revised Statutes, entitled "of the duties of executors and administrators in rendering an account and in making distribution to the next of kin." Passed February 25, 1878; three-fifths being present.
- CHAP. 31.** An act to provide means for the ordinary repairs of the canals for the calendar year of eighteen hundred and seventy-eight in the case the revenues shall be insufficient to meet the appropriations for that purpose. Passed February 25, 1878; three-fifths being present.
- CHAP. 32.** An act to authorize the payment of certain moneys out of the state treasury to Hamilton B. Russell, administrator of Mary McDonald, deceased, heir at law and next of kin of Edward Gleason, deceased. Passed February 25, 1878; by a two-third vote.
- CHAP. 33.** An act to amend chapter five hundred and sixteen of the laws of eighteen hundred and sixty-seven, entitled "An act for the further protection of female employees in the city of New York." Passed February 25, 1878; three-fifths being present.
- CHAP. 34.** An act to repeal chapter three hundred and eighty-eight of the laws of eighteen hundred and thirty-seven, entitled "An act to incorporate the Leicester Bridge Company." Passed February 27, 1878.
- CHAP. 35.** An act granting free passage, through toll-gates and over toll-bridges and ferries, to the national guard. Passed February 27, 1878; three-fifths being present.
- CHAP. 36.** An act to repeal a certain portion of chapter two hundred and seventy-five of the laws of eighteen hundred and seventy-seven, entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations." Passed February 28, 1878; by a two-third vote.
- CHAP. 37.** An act in relation to coroners' fees, their term of office and post-mortem examinations in Albany county. Passed February 28, 1878; three-fifths being present.
- CHAP. 38.** An act to amend chapter three hundred and eighty-eight of the laws of eighteen hundred and fifty-five, entitled "An act to incorporate the fire department of the village of Rome, Oneida county." Passed February 28, 1878; three-fifths being present.
- CHAP. 39.** An act to amend chapter eight hundred and fifty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river, passed May tenth, eighteen hundred and seventy-one.'" Passed February 28, 1878.
- CHAP. 40.** An act to provide for the appointment and compensation of deputies and clerks in the attorney-general's office. Passed February 28, 1878; three-fifths being present.
- CHAP. 41.** An act to legalize and confirm the official acts of George E. Van Derburgh, a justice of the peace of the town of Mamaroneck, in the county of Westchester. Passed March 1, 1878; three-fifths being present.
- CHAP. 42.** An act in relation to the fees of the collector of the town of New Paltz, in Ulster county. Passed March 1, 1878; three-fifths being present.
- CHAP. 43.** An act to amend chapter three hundred and twenty-four of the laws of one thousand eight hundred and sixty-nine, entitled "An act for the election of a receiver of taxes and assessments for the town of Cortlandt and village of Peekskill," and the acts amendatory thereof. Passed March 4, 1878; three-fifths being present.
- CHAP. 44.** An act to amend chapter three hundred and forty-four of the laws of eighteen hundred and seventy-seven, entitled "An act to authorize railroad corporations to pay commutation money for highway labor, to the commissioners of highways of towns." Passed March 4, 1878; three-fifths being present.
- CHAP. 45.** An act to legalize the proceedings of The Livingston Town Insurance Company in the county of Columbia. Passed March 7, 1878; three-fifths being present.

- CHAP. 46.** An act establishing a ferry from Foot's Point in the town of Crown Point, county of Essex, across Lake Champlain to Port Franklin, so called, in the town of Bridport, state of Vermont. Passed March 7, 1878.
- CHAP. 47.** An act in relation to the powers and duties of the state commissioner in lunacy. Passed March 11, 1878; three-fifths being present.
- CHAP. 48.** An act to authorize the transfer to the state of the Soldiers' Home, and the appointment of a board of trustees for its completion and control. Passed March 11, 1878; three-fifths being present.
- CHAP. 49.** An act in relation to noxious weeds and brush in public highways. Passed March 11, 1878; three-fifths being present.
- CHAP. 50.** An act to amend chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act passed May third, eighteen hundred and seventy, entitled 'An act to amend an act to incorporate the city of Troy,'" passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy. Passed March 11, 1878; three-fifths being present.
- CHAP. 51.** An act to repeal chapter five hundred and fifty-six of the laws of eighteen hundred and seventy-one, and chapter six hundred and thirty-three of the laws of eighteen hundred and seventy-two, both relative to the Queens County Railway Company. Passed March 14, 1878; three-fifths being present.
- CHAP. 52.** An act to legalize the official acts of the First Congregational Society of the city of Schenectady, and the official acts of the trustees of the said society. Passed March 14, 1878.
- CHAP. 53.** An act to change the name of the American Encaustic Tiling Company, in the certificate for the incorporation of said company, and the license issued thereunder. Passed March 14, 1878.
- CHAP. 54.** An act to provide for a special election in the second ward of the village of West Troy, for president, collector and treasurer of said village, and for trustee and constable of said ward, and to define certain of the powers of the officers of such village prior to such election. Passed March 15, 1878; three-fifths being present.
- CHAP. 55.** An act to legalize and confirm the election of officers for the village of Dundee in the county of Yates. Passed March 18, 1878; three-fifths being present.
- CHAP. 56.** An act to confirm the election of officers for the village of Phelps, Ontario county. Passed March 18, 1878; three-fifths being present.
- CHAP. 57.** An act in relation to the collection of taxes in the city of Kingston. Passed March 18, 1878; three-fifths being present.
- CHAP. 58.** An act to confirm the election of village trustees of the villages of Whitneys Point and Lisle, in Broome county, and to provide for and determine by lot their respective terms of office. Passed March 18, 1878; three-fifths being present.
- CHAP. 59.** An act to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages." Passed March 18, 1878; three-fifths being present.
- CHAP. 60.** An act to amend chapter three hundred and sixty-five of the laws of eighteen hundred and seventy-seven, entitled "An act authorizing and empowering the common council of the city of Rochester to construct a turn table or swing bridge over the Erie canal, in Allen street, in the city of Rochester." Passed March 18, 1878; three-fifths being present.
- CHAP. 61.** An act to amend chapter four hundred and thirty-eight of the laws of eighteen hundred and sixty-two, entitled "An act to provide for the formation of societies for the prevention of horse stealing." Passed March 18, 1878; three-fifths being present.
- CHAP. 62.** An act to amend chapter five hundred and thirty of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the Legal Protection Society of the town of Madison, Madison county." Passed March 18, 1878; three-fifths being present.

- CHAP. 63.** An act to amend chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice and civil proceedings." Passed March 18, 1878; three-fifths being present.
- CHAP. 64.** An act to authorize the water commissioners of the city of Watertown to issue bonds for the purpose of raising funds for the construction of new distributing and pumping mains. Passed March 19, 1878; three-fifths being present.
- CHAP. 65.** An act to amend the statutes in reference to the collection of taxes in the counties of Livingston, Montgomery and Oswego. Passed March 19, 1878; three-fifths being present.
- CHAP. 66.** An act to authorize the city of Elmira to issue bonds for the payment of certain other bonds of said city falling due on or before November first, eighteen hundred and seventy-eight. Passed March 19, 1878; three-fifths being present.
- CHAP. 67.** An act to extend the time for advertising the sale of lands for unpaid taxes in the village of Edgewater, Richmond county. Passed March 20, 1878; three-fifths being present.
- CHAP. 68.** An act to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter six hundred and eleven of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of West Mount Vernon, county of Westchester." Passed March 20, 1878; three-fifths being present.
- CHAP. 69.** An act to amend chapter seventy-four of the laws of eighteen hundred and seventy-seven, entitled "An act to incorporate the Grand Lodge of the ancient order of United Workmen of the state of New York." Passed March 21, 1878.
- CHAP. 70.** An act for the relief of the county treasurer of Cattaraugus county. Passed March 23, 1878; three-fifths being present.
- CHAP. 71.** An act to repeal chapter eighty-two, of the laws of eighteen hundred and seventy-two, entitled "An act to prevent the cutting of ice in Chautauqua Lake." Passed March 23, 1878.
- CHAP. 72.** An act to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-two, entitled "An act to reorganize the State Asylum for Idiots, and to provide for the government and management thereof." Passed March 25, 1878; three-fifths being present.
- CHAP. 73.** An act to amend chapter eight hundred and eighty-one of the laws of eighteen hundred and sixty-nine entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Port Byron,'" passed March twenty-eighth, eighteen hundred and fifty-five. Passed March 25, 1878; three-fifths being present.
- CHAP. 74.** An act to authorize the board of supervisors of Delaware county to issue bonds to provide for the payment of the indebtedness of said county. Passed March 25, 1878; three-fifths being present.
- CHAP. 75.** An act in relation to the bonded indebtedness of villages, cities, towns and counties. Passed March 25, 1878; three-fifths being present.
- CHAP. 76.** An act to legalize and confirm the acts of the officers of the Dundee Union Agricultural Society and to provide for the election of officers for the same. Passed March 25, 1878.
- CHAP. 77.** An act to amend subdivision four of section one of chapter two hundred and fifty-seven of the laws of eighteen hundred and seventy-six, entitled An act to confer on boards of supervisors further powers of local legislation and administration and to regulate the compensation of supervisors. Passed March 25, 1878; three-fifths being present.
- CHAP. 78.** An act to authorize the town of Otsego, in the county of Otsego, to issue bonds to redeem and pay the bonds issued by said town in aid of the Cooperstown and Susquehanna Valley Railroad Company by virtue of chapter seven hundred and fifty-eight of the laws of eighteen hundred and sixty-five, and by virtue of chapter four hundred and twenty-two of the laws of eighteen hundred and sixty-seven. Passed March 25, 1878; three-fifths being present.

- CHAP. 79.** An act to confirm the official acts of Samuel H. Case, John M. Watkins and William W. Snow, commissioners of excise in and for the town of Oneonta, in the county of Otsego. Passed March 25, 1878; three-fifths being present.
- CHAP. 80.** An act to authorize the village of Richmond Springs, in the county of Otsego, to refund its funded debt. Passed March 25, 1878; three-fifths being present.
- CHAP. 81.** An act to amend chapter two hundred and twenty-five of the laws of eighteen hundred and fifty-one, entitled "An act to incorporate the Ladies' Union Aid Society of the Methodist Episcopal Church in the city of New York." Passed March 25, 1878; three-fifths being present.
- CHAP. 82.** An act to amend chapter one hundred and forty-seven of the laws of eighteen hundred and sixty-four, entitled "An act to provide for the erection of a town hall in the town of Jamaica, in the county of Queens. Passed March 25, 1878; three-fifths being present.
- CHAP. 83.** An act in relation to the local judiciary of Long Island City. Passed March 28, 1878; three-fifths being present.
- CHAP. 84.** An act to amend chapter two hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend chapter three hundred and thirty-four of the laws of eighteen hundred and sixty-nine, entitled "An act to consolidate and amend the several acts relating to the village of Jamestown and to enlarge the powers of the corporation." Passed March 29, 1878; three-fifths being present.
- CHAP. 85.** An act to amend chapter nine hundred and seventy-one of the laws of eighteen hundred and sixty-seven, entitled "An act for the incorporation of co-operative and industrial unions," and to amend the title of said act. Passed March 29, 1878.
- CHAP. 86.** An act in relation to the officers and medical staff of Willard Asylum for the Insane. Passed March 29, 1878; three-fifths being present.
- CHAP. 87.** An act to authorize the extension of the time for the collection of taxes, in the several towns in Cayuga county and the city of Auburn, in the same county. Passed March 29, 1878; three-fifths being present.
- CHAP. 88.** An act to establish the exterior bulk-head and pier lines of the harbor of New York, on the Staten Island side. Passed March 29, 1878; three-fifths being present.
- CHAP. 89.** An act to release the interest of the people of the state of New York in and to all surplus moneys arising from the sale in mortgage foreclosure of certain real estate in the city of Albany of which Joseph Kirk died seized to John Kirk. Passed March 29, 1878; by a two-thirds vote.
- CHAP. 90.** An act to amend chapter three hundred and eight of the laws of eighteen hundred and fifty-four, entitled "An act relative to the New York Baptist Union for Ministerial Education." Passed March 29, 1878.
- CHAP. 91.** An act to amend chapter thirty of the laws of eighteen hundred and seventy-three, entitled "An act to create a board of charities in and for the city of Utica." Passed March 29, 1878; three-fifths being present.
- CHAP. 92.** An act making an appropriation to pay certain awards made by the canal appraisers, and to pay counsel employed in behalf of the state. Passed March 29, 1878; three-fifths being present.
- CHAP. 93.** An act to authorize the religious society in the city of New York, known as the "Congregation Rodef Scholem," to buy, hold and dispose of land for cemetery purposes. Passed March 30, 1878.
- CHAP. 94.** An act to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers." Passed March 30, 1878; three-fifths being present.
- CHAP. 95.** An act to legalize the execution of a certain conveyance by the Kipps Bay Methodist Episcopal Church of the city of New York. Passed March 30, 1878; three-fifths being present.

- CHAP. 96.** An act to amend section three of chapter five hundred and sixty-four of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter one hundred and twenty-two of the laws of eighteen hundred and fifty-one, entitled "An act for the incorporation of building, mutual loan and accumulating fund associations," passed June ninth, eighteen hundred and seventy-five. Passed April 1, 1878.
- CHAP. 97.** An act to extend the time for the completion of the railroad of the Black River and St. Lawrence Railway Company. Passed April 1, 1878.
- CHAP. 98.** An act to authorize the merging of corporations organized under the act entitled "An act to provide for the incorporation of fire insurance companies," passed June twenty-fifth, eighteen hundred and fifty-three, and of the acts amending or extending the same. Passed April 1, 1878.
- CHAP. 99.** An act to repeal chapter two hundred and fifty of the laws of eighteen hundred and fifty-three, entitled "An act relating to incorporated banks, banking associations and individual bankers located in the city of New York." Passed April 2, 1878.
- CHAP. 100.** An act to provide for the payment of bonds heretofore issued by the village of Middletown, in the county of Orange, and to create a sinking fund therefor. Passed April 2, 1878; three-fifths being present.
- CHAP. 101.** An act to authorize the extension of the time for the collection of taxes in the several towns in the counties of Wayne and Chautauqua. Passed April 3, 1878; three-fifths being present.
- CHAP. 102.** An act to legalize the official acts of Francis E. Clarke as notary public of Westchester county. Passed April 4, 1878.
- CHAP. 103.** An act to provide for changing the term of office of supervisors in the several towns in Erie county. Passed April 4, 1878; three-fifths being present.
- CHAP. 104.** An act to authorize the New York Protestant Episcopal public school to mortgage real estate in the nineteenth ward of the city of New York. Passed April 4, 1878.
- CHAP. 105.** An act to amend chapter two hundred and forty-nine of the laws of eighteen hundred and fifty-seven, entitled "An act to amend an act, entitled "An act to incorporate the American Female Guardian Society." Passed April 4, 1878; three-fifths being present.
- CHAP. 106.** An act to amend chapter three hundred and eighty-six of the laws of eighteen hundred and fifty-one, entitled "An act to amend, consolidate and reduce to one act, the various acts relative to common schools of the city of New York," passed July three, eighteen hundred and fifty one, and the several acts amendatory thereof. Passed April 4, 1878; three-fifths being present.
- CHAP. 107.** An act requiring justices of the peace to give bonds. Passed April 4, 1878; three-fifths being present.
- CHAP. 108.** An act to amend chapter one hundred and ninety-four of the laws of eighteen hundred and seventy-three, entitled "An act to continue in force and amend chapter one hundred and thirty-eight of the laws of eighteen hundred and fifty-two, entitled "An act to incorporate the firemen of the city of Utica as a benevolent association." Passed April 4, 1878; three-fifths being present.
- CHAP. 109.** An act to amend chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven, entitled An act to suppress intemperance and to regulate the sale of intoxicating liquors and the acts amendatory thereof. Passed April 4, 1878; three-fifths being present.
- CHAP. 110.** An act in relation to arrears of taxes in the city of New York, and to provide for the reissuing of revenue bonds in anticipation of such taxes. Passed April 4, 1878; three-fifths being present.
- CHAP. 111.** An act to authorize the county clerk of Allegany county to sign the certificates of the record of deeds, mortgages and other papers recorded in the Allegany county clerk's office, and otherwise complete said records, where the same were not completed or certified by W. H. H. Russell, his immediate predecessor in office. Passed April 6, 1878; three-fifths being present.

- CHAP. 112.** An act to amend chapter one hundred and fifty-nine of the laws of eighteen hundred and fifty-five, entitled "An act to allow the trustees, directors or managers of incorporated asylums to bind out orphans or indigent children surrendered to their care. Passed April 6, 1878.
- CHAP. 113.** An act authorizing and empowering the common council of the city of Rochester to construct lift, hoist or swing bridges over the Erie canal at Brown street and at Smith street in the city of Rochester. Passed April 6, 1878; three-fifths being present.
- CHAP. 114.** An act to amend chapter sixty-nine of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to give notice of the discontinuance of public highways." Passed April 6, 1878; three-fifths being present.
- CHAP. 115.** An act to amend the charter of the corporation of the chamber of commerce of the state of New York. Passed April 6, 1878.
- CHAP. 116.** An act to amend chapter three hundred and twenty-eight of the laws of eighteen hundred and sixty-eight, entitled "An act to amend and continue in force an act entitled 'An act to incorporate an association for the relief of respectable aged indigent females in the city of New York,' passed March tenth, eighteen hundred and fifteen, and the acts continuing in force and amending the same." Passed April 6, 1878.
- CHAP. 117.** An act to amend chapter three hundred and eighty of the laws of eighteen hundred and fifty-two, entitled, "An act to incorporate the Canajoharie Water Works Company." Passed April 8, 1878.
- CHAP. 118.** An act to confirm the election of trustees in the village of Marathon in the county of Cortland, and to provide for and determine by lot their respective terms of office. Passed April 8, 1878; three-fifths being present.
- CHAP. 119.** An act to amend chapter thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to re-enact and amend an act entitled 'An act to incorporate the city of Yonkers,' passed June first, eighteen hundred and seventy-two, passed February twenty-eight, eighteen hundred and seventy-three." Passed April 8, 1878; three-fifths being present.
- CHAP. 120.** An act in regard to the powers of the associate rector of St. Paul's Church in Buffalo, in the city of Buffalo, county of Erie and state of New York. Passed April 9, 1878.
- CHAP. 121.** An act to amend chapter one hundred and thirty-five, laws of eighteen hundred and seventy-six, entitled "An act to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled "An act to provided* for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporate existence." Passed April 9, 1878.
- CHAP. 122.** An act to confer on the board of supervisors of Chautauqua county authority to protect ducks and fish in all waters within the territorial jurisdiction of said county. Passed April 9, 1878; three-fifths being present.
- CHAP. 123.** An act to repeal an act entitled "An act relative to paving streets and constructing sewers in the village of West Troy," passed March tenth, eighteen hundred and seventy-three. Passed April 9, 1878; three-fifths being present.
- CHAP. 124.** An act to amend chapter seven of the laws of eighteen hundred and seventy-eight, entitled "An act making appropriation for continuing work upon the New Capitol during the winter and spring of eighteen hundred and seventy-eight, and for the demolition of the buildings known as "Congress Hall." Passed April 10, 1878; three-fifths being present.
- CHAP. 125.** An act relating to contracts for lighting the public lamps in the city of New York. Passed April 11, 1878; three-fifths being present.
- CHAP. 126.** An act to amend chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts. Passed April 11, 1878.

*So in the original.

- CHAP. 137.** An act to extend the time for the collection of state and county taxes in the city of Binghamton, in the county of Broome. Passed April 12, 1878; three-fifths being present.
- CHAP. 138.** An act to legalize and confirm the proceedings of the common council of the city of Poughkeepsie in relation to making, levying and collecting of assessments for the construction of sewers in said city during the years eighteen hundred and seventy-three and eighteen hundred and seventy-four, and to authorize the correction of sewer assessment rolls so far as the same relate to unpaid assessments levied during said years. Passed April 12, 1878; three-fifths being present.
- CHAP. 139.** An act to amend chapter eighty-two of the laws of eighteen hundred and fifty, entitled "An act for the protection of purchasers of real estate upon sales made by order of surrogates," and all acts amendatory thereof and supplementary thereto, so as to apply the provisions of said act to mortgages and leases, made by the order of surrogates. Passed April 12, 1878; three-fifths being present.
- CHAP. 140.** An act to authorize the common council of the city of Buffalo to increase the appropriation for the support of the poor to meet the deficiency for the year eighteen hundred and seventy-seven. Passed April 12, 1878; three-fifths being present.
- CHAP. 141.** An act to annex the village of West Mount Vernon, in the county of Westchester, to the village of Mount Vernon in said county; to confirm the tax sales heretofore held in the said village of West Mount Vernon, and to provide for the division of the said village of Mount Vernon into wards after the annexation of the said village of Mount Vernon. Passed April 15, 1878; three-fifths being present.
- CHAP. 142.** An act to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors." Passed April 15, 1878; three-fifths being present.
- CHAP. 143.** An act to extend the time for the collection of taxes in the town of Johnstown, in the county of Fulton. Passed April 15, 1878; three-fifths being present.
- CHAP. 144.** An act in relation to infectious and contagious diseases of animals. Passed April 15, 1878; three-fifths being present.
- CHAP. 145.** An act to provide that the superintendent of the poor of the county of Yates may be the keeper of the poor-house of said county. Passed April 15, 1878; three-fifths being present.
- CHAP. 146.** An act to change the name of the Union Free School District number one of the town of Clarence. Passed April 15, 1878.
- CHAP. 147.** An act to enable the Home for Incurables to take and hold real estate to the amount of two hundred and fifty thousand dollars in value. Passed April 15, 1878.
- CHAP. 148.** An act to amend chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, entitled "An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein," passed May twenty-eighth, eighteen hundred and seventy-five. Passed April 15, 1878.
- CHAP. 149.** An act to legalize the acts of Miles H. Bergen, as notary public. Passed April 15, 1878; three-fifths being present.
- CHAP. 150.** An act to authorize a tax of three-tenths of a mill per dollar of valuation, to provide for a deficiency in the sinking fund under article seven, section three of the constitution. Passed April 15, 1878; three-fifths being present.
- CHAP. 151.** An act to authorize the board of education of Union Free School District number two, of the town of Highlands, in the county of Orange, to raise money for the purchase of a school-house and site. Passed April 16, 1878; three-fifths being present.
- CHAP. 152.** An act to amend chapter five hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the planting and protection of oysters in those portions of the Great South Bay lying in the town of Islip, Suffolk county, wherein the taking of clams cannot be profitably followed as a business. Passed April 16, 1878; three-fifths being present.

CHAP. 143. An act relating to the disposition of the prism and banks of the Crooked Lake canal. Passed April 18, 1878; by a two-third vote.

CHAP. 144. An act further to amend chapter three hundred and thirty-eight of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled 'An act for the relief of the surviving members of the First regiment of New York volunteers, who served in the war with Mexico.'" Passed April 19, 1878; by a two-third vote.

CHAP. 145. An act to extend the time for collection of taxes in the city of Oswego. Passed April 19, 1878; three-fifths being present.

CHAP. 146. An act in relation to the franchise and powers of the village of Athens. Passed April 19, 1878; three-fifths being present.

CHAP. 147. An act to amend the title of chapter one hundred and thirty-one of the laws of eighteen hundred and seventy-eight, entitled "An act to annex the village of West Mount Vernon, in the county of Westchester, to the village of Mount Vernon in said county; to confirm the tax sales heretofore held in the said village of West Mount Vernon, and to provide for the division of said village of Mount Vernon into wards after the annexation of the said village of Mount Vernon." Passed April 19, 1878; three-fifths being present.

CHAP. 148. An act authorizing the construction and management of a railroad from Lake Champlain to Dannemora prison. Passed April 19, 1878; three-fifths being present.

CHAP. 149. An act in relation to the redemption of lands in the city of Yonkers from sales for unpaid taxes and assessments. Passed April 19, 1878; three-fifths being present.

CHAP. 150. An act making appropriations for the payment of the principal and interest of the canal debt for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-eight, and to supply in part a deficiency in the sinking fund, under article seven, section three of the constitution. Passed April 19, 1878; three-fifths being present.

CHAP. 151. An act to amend chapter six hundred and twenty-four of the laws of eighteen hundred and seventy-four, entitled "An act to amend several acts incorporating the village of Oswego Falls," passed June ninth, eighteen hundred and seventy-four, and to amend chapter two hundred and thirteen of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Oswego Falls," passed March twenty-second, eighteen hundred and sixty-six. Passed April 20, 1878; three-fifths being present.

CHAP. 152. An act further to amend section two of title two of chapter thirteen of part one of the Revised Statutes, entitled "Of the assessment and collection of taxes," and to amend chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, entitled "An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes." Passed April 20, 1878; three-fifths being present.

CHAP. 153. An act authorizing the Staten Island and New Jersey Suspension Bridge and Railroad Company to change its corporate name, and extending the time for the commencement of work by said corporation. Passed April 20, 1878.

CHAP. 154. An act limiting the power of the board of education of the city of Oswego in the purchase of school sites and the erection of school-houses." Passed April 20, 1878; three-fifths being present.

CHAP. 155. An act to amend chapter one hundred of the laws of eighteen hundred and seventy-seven, entitled "An act authorizing the trustees of the village of Ballston Spa to issue bonds to be known as 'extended water bonds' to pay a portion of the water bonds now outstanding of said village, maturing in the year one thousand eight hundred and seventy-seven and thereafter. Passed April 20, 1878; three-fifths being present.

CHAP. 156. An act in relation to coroners' fees and post-mortem examinations in Monroe county. Passed April 20, 1878; three-fifths being present.

- CHAP. 157.** An act to authorize the trustees of the Grosvenor Library in the city of Buffalo to sell certain real estate, and to perfect the title to the same, and to amend the law respecting the maintenance of said library. Passed April 20, 1878; three-fifths being present.
- CHAP. 158.** An act to amend an act entitled "An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the power of the corporation of said village," passed April third, eighteen hundred and sixty-one. Passed April 20, 1878; three-fifths being present.
- CHAP. 159.** An act for the relief of Sophia Dale, widow of James Alexander Garvin, late of the city of Brooklyn, county of Kings and state of New York. Passed April 20, 1878.
- CHAP. 160.** An act to release the interest of the people of the state of New York in certain real estate in the town of Hempstead in Queens county, to Richard Ingraham. Passed April 20, 1878.
- CHAP. 161.** An act to amend an act entitled "An act to incorporate the Hall Association of the order der Frei heit of the city of Buffalo," passed April eleventh, eighteen hundred and seventy. Passed April 20, 1878.
- CHAP. 162.** An act to amend chapter three hundred and twenty-five of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York. Passed April 20, 1878; three-fifths being present.
- CHAP. 163.** An act to authorize corporations formed for manufacturing, mining, mechanical or chemical purposes to mortgage their property and franchises. Passed April 20, 1878.
- CHAP. 164.** An act to confirm and protect the incorporation of the village of Hermon. Passed April 20, 1878; three-fifths being present.
- CHAP. 165.** An act to extend the time for the collection of taxes in the county of Richmond. Passed April 20, 1878; three-fifths being present.
- CHAP. 166.** An act to repeal section eight hundred and thirty of chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice and civil proceedings." Passed April 22, 1878.
- CHAP. 167.** An act to authorize and direct the comptroller to receive, admit and credit to the county treasurer of the county of Richmond arrears of taxes upon lands of non-residents, in said county, for the years eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five and eighteen hundred and seventy-six. Passed April 22, 1878; three-fifths being present.
- CHAP. 168.** An act to amend chapter five hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the city of Newburgh." Passed April 24, 1878; three-fifths being present.
- CHAP. 169.** An act to authorize the trustee of school district number two of the town of Hinsdale to lease the upper story of the district school-house of the town of Hinsdale, for a town hall and other purposes. Passed April 24, 1878; three-fifths being present.
- CHAP. 170.** An act to reduce the number composing the board of education of Gowanda union free school district number one, composed of parts of the towns of Persia and Perrysburgh, in Cattaraugus county, and of a part of the town of Collins, in Erie county. Passed April 24, 1878; three-fifths being present.
- CHAP. 171.** An act transferring a portion of the Chemung canal to the city of Elmira for street purposes. Passed April 25, 1878; by a two-third vote.
- CHAP. 172.** An act to amend chapter forty-two of the laws of eighteen hundred and fifty-six, entitled "An act to incorporate the College of Pharmacy of the city of New York," passed March twentieth, eighteen hundred and fifty-six. Passed April 25, 1878.
- CHAP. 173.** An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to consolidate the general acts relating to public instruction." Passed April 25, 1878; three-fifths being present.

- CHAP. 174.** An act to amend section seven of title thirteen of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction." Passed April 25, 1878; three-fifths being present.
- CHAP. 175.** An act to amend section two, chapter thirty-three of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter five hundred and sixteen of the laws of eighteen hundred and sixty-seven, entitled 'An act for the further protection of female employees in the city of New York.'" Passed April 25, 1878; three-fifths being present.
- CHAP. 176.** An act to repeal chapter four hundred and sixteen of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled 'An act requiring commissioners of highways to act as inspectors of plank roads and turnpikes, so far as the same relates to Ulster county.'" Passed April 25, 1878; three-fifths being present.
- CHAP. 177.** An act releasing the interest of the people of the state of New York in certain real estate to Christian Spiess. Passed April 25, 1878; by a two-third vote.
- CHAP. 178.** An act to extend the time for the collection of taxes in the town of Ithaca in the county of Tompkins. Passed April 25, 1878; three-fifths being present.
- CHAP. 179.** An act to amend chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to incorporate the village of White Plains,'" and chapter four hundred and nine of the laws of eighteen hundred and seventy-three, entitled "An act further to amend the charter of the village of White Plains in the county of Westchester." Passed April 26, 1878; three-fifths being present.
- CHAP. 180.** An act to legalize and confirm the official acts of Norman M. F. Clute, William Marsh, and F. T. Pierson, justices of the peace of the town of Rotterdam, in the county of Schenectady. Passed April 26, 1878; three-fifths being present.
- CHAP. 181.** An act to extend the time for the collection of taxes in the county of Rockland. Passed April 26, 1878; three-fifths being present.
- CHAP. 182.** An act to legalize the proceedings of the electors of the town of Fowler, St. Lawrence county, in annual and special town meetings assembled on the twelfth and twenty-sixth days of February, eighteen hundred and seventy-eight, in relation to the raising of money for the improvement of certain roads. Passed April 26, 1878; three-fifths being present.
- CHAP. 183.** An act to amend chapter seven hundred and two of the laws of eighteen hundred and seventy, entitled "An act to amend the charter of Little Falls." Passed April 26, 1878; three-fifths being present.
- CHAP. 184.** An act to extend the time for the completion of a railroad authorized to be constructed by "An act to authorize the construction of a railroad from, at, or near Bath ferry, in the town of North Greenbush, to Douw's Point, in the town of East Greenbush, in the county of Rensselaer," passed May fourteenth, eighteen hundred and seventy-five. Passed April 26, 1878.
- CHAP. 185.** An act to legalize the proceeding of the school commissioner of the second commissioner district of the county of Onondaga, in the formation of the school district number twenty-nine, in the town of Onondaga, in said county. Passed April 26, 1878; three-fifths being present.
- CHAP. 186.** An act in relation to the city court of Yonkers. Passed April 26, 1878; three-fifths being present.
- CHAP. 187.** An act to amend chapter four hundred and forty-seven of the laws of eighteen hundred and seventy-seven, entitled "An act to establish the boundaries of school district number five of the town of Flushing, and to provide for the collection of school taxes therein, and conferring additional powers and duties upon the board of education of said district." Passed April 26, 1878; three-fifths being present.
- CHAP. 188.** An act for the incorporation of district number one, of the Independent Order of Benai Berith, and to authorize other corporations, incorporated societies or other associations to give and transfer property to, or wholly to consolidate with the corporation hereby created. Passed April 27, 1878.

- CHAP. 189.** An act for the protection of graves in cemeteries. Passed April 27, 1878; three-fifths being present.
- CHAP. 190.** An act to protect the seaside boulevard and meadows adjacent thereto on the south shore of Staten Island, and to prevent the same from being injured or overflowed by the waters of the bay of New York. Passed April 27, 1878; three-fifths being present.
- CHAP. 191.** An act to amend subdivision two of section four of title one, chapter thirteen, part one of the Revised Statutes. Passed April 27, 1878; three-fifths being present.
- CHAP. 192.** An act to release the interest of the state in the real estate of which Frederick Tornquest, otherwise known as Frederick John Tornquest, late of the city, county and state of New York, died seized, to Ann Tornquest, his widow. Passed April 27, 1878.
- CHAP. 193.** An act to release to Evan E. Roberts the right, title and interest of the people of the state of New York in and to the real estate, situate in the city of Utica, county of Oneida, of which Mary E. Roberts died seized. Passed April 27, 1878.
- CHAP. 194.** An act relative to the collection of taxes in the county of Sullivan. Passed April 27, 1878; three-fifths being present.
- CHAP. 195.** An act to amend chapter two hundred and twenty-four of the laws of eighteen hundred and sixteen, entitled "An act to vest certain powers in the freeholders and inhabitants of the village of Madison, in the county of Madison. Passed April 27, 1878; three-fifths being present.
- CHAP. 196.** An act to amend an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eighth, eighteen hundred and seventy, and the several acts amendatory thereof. Passed April 29, 1878; three-fifths being present.
- CHAP. 197.** An act authorizing the town of New Lots, in the county of Kings, to issue bonds to the amount of ten thousand dollars, to refund or pay a like amount of bonds issued by said town, for the erection of a town house in pursuance of chapter two hundred and eighty-one of the laws of eighteen hundred and seventy-two. Passed April 29, 1878; three-fifths being present.
- CHAP. 198.** An act to amend chapter one hundred and seventy of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Montezuma." Passed April 29, 1878; three-fifths being present.
- CHAP. 199.** An act to change the corporate name of the Mercantile Library Association of the city of Brooklyn. Passed April 29, 1878.
- CHAP. 200.** An act to legalize and confirm the official acts of William W. Snow as trustee and president of the board of trustees of the village of Oneonta, in the county of Otsego. Passed April 29, 1878; three-fifths being present.
- CHAP. 201.** An act to amend chapter five hundred and five of the laws of eighteen hundred and seventy-three, entitled "An act to re-organize the village of Gloversville." Passed April 29, 1878; three-fifths being present.
- CHAP. 202.** An act to re-appropriate certain moneys in the treasury of the state heretofore appropriated for the improvement of the Champlain canal. Passed April 30, 1878; three-fifths being present.
- CHAP. 203.** An act to provide for the incorporation of Pipe Line companies, and to regulate the same. Passed May 2, 1878; without the approval of the governor, pursuant to provision of section nine of article four of the Constitution.
- CHAP. 204.** An act to amend section one of chapter three hundred and forty-seven of the laws of eighteen hundred and seventy, entitled "An act to incorporate the fire department of the village of Canton." Passed May 1, 1878; three-fifths being present.
- CHAP. 205.** An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor. Passed May 1, 1878; three-fifths being present.
- CHAP. 206.** An act to amend chapter five hundred and seventy-five of the laws of eighteen hundred and seventy-four, entitled "An act in relation to the Brooklyn, Winfield, and Newtown Railway Company." Passed May 2, 1878.

- CHAP. 207.** An act to extend the time for the collection of taxes in the town of Brookhaven in Suffolk county. Passed May 2, 1878; three-fifths being present.
- CHAP. 208.** An act to amend chapter four hundred and fifty-eight of the laws of eighteen hundred and sixty-three, entitled "An act amending the charter of the village of Glens Falls and empowering the trustees thereof to supply said village with pure and wholesome water. Passed May 2, 1878; three-fifths being present.
- CHAP. 209.** An act to amend chapter one hundred and eighty-four of the laws of eighteen hundred and thirty-nine, entitled "An act in relation to trusts for the benefit of the meetings of the religious society of Friends, passed April seventeenth, eighteen hundred and thirty-nine." Passed May 2, 1878; three-fifths being present.
- CHAP. 210.** An act to confer additional powers upon corporations organized under chapter four hundred and thirty-eight, laws of eighteen hundred and sixty-two, entitled "An act to provide for the formation of societies for the prevention of horse stealing," and the several acts amendatory thereof. Passed May 2, 1878; three-fifths being present.
- CHAP. 211.** An act to amend chapter seven hundred and eighty-six of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Lima, Livingston county." Passed May 2, 1878; three-fifths being present.
- CHAP. 212.** An act to establish the right of citizens of this state to carry on their business in all parts thereof. Passed May 8, 1878.
- CHAP. 213.** An act extending the time for the completion of the New York and New England railroad. Passed May 3, 1878.
- CHAP. 214.** An act to authorize the commissioners of the sinking fund of the city and county of New York to convey certain lands to the "Home for Aged and Infirm Hebrews of New York." Passed May 3, 1878; three-fifths being present.
- CHAP. 215.** An act to furnish approved arms to the Albany Burgesses Corps. Passed May 6, 1878.
- CHAP. 216.** An act relating to the state survey, and making appropriations therefor. Passed May 6, 1878; three-fifths being present.
- CHAP. 217.** An act for the relief of the Buffalo Eye and Ear Infirmary. Passed May 7, 1878; three-fifths being present.
- CHAP. 218.** An act to amend chapter four hundred and forty-three of the laws of eighteen hundred and seventy-six, entitled "An act supplemental to the act entitled 'An act to revise the charter of the city of Syracuse,' passed March third, eighteen hundred and fifty-seven, and the acts amendatory thereto." Passed May 7, 1878; three-fifths being present.
- CHAP. 219.** An act in relation to evidence in civil and criminal cases. Passed May 7, 1878.
- CHAP. 220.** An act for the protection of dairymen and dealers in milk, and to prevent deception in the sale of milk. Passed May 7, 1878; three-fifths being present.
- CHAP. 221.** An act conferring additional powers upon the board of trustees of the village of Havana, county of Schuylcr. Passed May 7, 1878; three-fifths being present.
- CHAP. 222.** An act to prevent fraud in the manufacture and sale of commercial fertilizers. Passed May 7, 1878.
- CHAP. 223.** An act regulating the term of office of supervisors in the counties of Otsego, Steuben and Livingston. Passed May 8, 1878; three-fifths being present.
- CHAP. 224.** An act to establish and settle the bulkhead and pier lines for Newtown creek in the port of New York. Passed May 8, 1878; by a two-third vote.
- CHAP. 225.** An act to change the boundary of the village of Hempstead in the county of Queens. Passed May 8, 1878; three-fifths being present.
- CHAP. 226.** An act to amend chapter two hundred and sixty-eight of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the collection of taxes and the sales of land therefor in certain towns of Queens county." Passed May 8, 1878; three-fifths being present.

CHAP. 227. An act to authorize the railroad commissioners of the town of Skaneateles to sell and convey the stock owned by said town in the Skaneateles railroad, and to provide for the disposition of the proceeds thereof. Passed May 8, 1878; three-fifths being present.

CHAP. 228. An act to amend chapter one hundred and ninety-seven of the laws of eighteen hundred and sixty-four, entitled "An act to amend the several acts relating to taxes upon dogs, so far as relates to the county of Ontario, and providing for the extension of the provisions thereof to the several counties of the State, by resolution of the respective boards of supervisors." Passed May 8, 1878; three-fifths being present.

CHAP. 229. An act to amend chapter one hundred and thirty-one of the laws of eighteen hundred and seventy-eight, entitled "An act to annex the village of West Mount Vernon, in the county of Westchester, to the village of Mount Vernon in said county; to confirm the tax sales heretofore held in the said village of West Mount Vernon, and to provide for the division of the said village of Mount Vernon into wards after the annexation of the said village of Mount Vernon." Passed May 9, 1878; three-fifths being present.

CHAP. 230. An act to legalize the state and county taxes in the city of Cohoes, Albany county, for the years eighteen hundred and seventy, eighteen hundred and seventy-one, eighteen hundred and seventy-two, eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five, eighteen hundred and seventy-six and eighteen hundred and seventy-seven, and to provide for the collection thereof, and to authorize the sale of lands in the city of Cohoes for unpaid state and county taxes. Passed May 9, 1878; three-fifths being present.

CHAP. 231. An act to provide for more completely equipping the national guard of the state of New York. Passed May 9, 1878; three-fifths being present.

CHAP. 232. An act to legalize the proceedings of the electors of the town of Hermon, St. Lawrence county, in annual town meeting assembled on the twelfth day of February, eighteen hundred and seventy-eight, in relation to the raising of money for the improvement of roads. Passed May 9, 1878; three-fifths being present.

CHAP. 233. An act to amend chapter one hundred and fifty of the laws of eighteen hundred and thirty-seven, entitled "An act authorizing a loan of certain moneys belonging to the United States, deposited with the state of New York for safe-keeping." Passed May 9, 1878.

CHAP. 234. An act to legalize the acts of Owen Glennon, a justice of the peace of the town of Hunter, Greene county. Passed May 9, 1878; three-fifths being present.

CHAP. 235. An act in relation to the county treasurer of Wayne county. Passed May 9, 1878; three-fifths being present.

CHAP. 236. An act to amend chapter sixty-two of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter three hundred and forty-one of the laws of eighteen hundred and seventy-two, entitled An act in reference to the Young Men's Association for mutual improvement in the city of Albany." Passed May 9, 1878.

CHAP. 237. An act to amend chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled 'An act to amend an act entitled 'An act to protect butter and cheese manufacturers, passed May second, eighteen hundred and sixty-four.'" Passed May 9, 1878; three-fifths being present.

CHAP. 238. An act to change the location of one of the bridges over the Champlain canal. Passed May 9, 1878; three-fifths being present.

CHAP. 239. An act to amend section twenty-eight, chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors." Passed May 9, 1878; three-fifths being present.

- CHAP. 240.** An act to amend chapter one hundred and eighty of the laws of eighteen hundred and seventy-six, entitled "An act amending an act entitled An act amending and revising, and consolidating the several acts in relation to the village of Greenbush, passed March twenty-second, eighteen hundred and fifty-four, and April twenty-ninth, eighteen hundred and sixty-three, passed April twenty-fifth, eighteen hundred and seventy-one, passed April twenty-sixth, eighteen hundred and seventy-six. Passed May 9, 1878; three-fifths being present.
- CHAP. 241.** An act to exempt the town of Waterford and the town of Hadley in the county of Saratoga, from the provisions of chapter ninety-nine of the laws of eighteen hundred and seventy-seven, entitled "An act to exempt the county of Suffolk (except the town of Islip), Onondaga, Saratoga (except Saratoga Springs), Ontario, Yates, Rensselaer, Genesee, Schenectady, Monroe, Livingston, Otsego, Schoharie, Niagara, and Orleans from the provisions and operation of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties." Passed May 9, 1878; three-fifths being present.
- CHAP. 242.** An act to repeal chapter four hundred and forty-nine of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Douglas," and the several acts amendatory thereof. Passed May 9, 1878; three-fifths being present.
- CHAP. 243.** An act to release Jane Barry, of the town of Fallsburgh, Sullivan county, New York, the right, title, and interest of the people of the state of New York in the real estate of which William Rescola died seized. Passed May 9, 1878.
- CHAP. 244.** An act relating to the assessment for Prospect Park, in the city of Brooklyn. Passed May 11, 1878; three-fifths being present.
- CHAP. 245.** An act to amend article five of title one, chapter sixteen of part first of the Revised Statutes. Passed May 13, 1878; three-fifths being present.
- CHAP. 246.** An act for the relief of the Canterbury Fire Engine Company, in Orange county, and to amend chapter two hundred and seventy-two, of the laws of eighteen hundred and thirty, entitled "An act to incorporate the Canterbury Fire Company." Passed May 13, 1878; three-fifths being present.
- CHAP. 247.** An act authorizing the appraisal and sale of a certain lot of land belonging to the state lying and being in the village of Johnstown in the county of Fulton. Passed May 13, 1878; by a two-third vote.
- CHAP. 248.** An act in relation to the election of officers in certain school districts. Passed May 13, 1878; three-fifths being present.
- CHAP. 249.** An act to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages." Passed May 13, 1878; three-fifths being present.
- CHAP. 250.** An act to secure the better application of funds to relieve the poor in the town of Plattsburgh, in the county of Clinton. Passed May 13, 1878; three-fifths being present.
- CHAP. 251.** An act to regulate the election of permanent members of the medical society of the state of New York. Passed May 13, 1878.
- CHAP. 252.** An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations. Passed May 13, 1878; by a two-third vote.
- CHAP. 253.** An act relating to the term of office of the supervisors of the counties of Albany, Livingston, Rensselaer and Monroe. Passed May 14, 1878; three-fifths being present.
- CHAP. 254.** An act to amend chapter eighty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to provide for improvement of Grass river, and of the water power thereon and to check freshets therein." Passed May 14, 1878; three-fifths being present.
- CHAP. 255.** An act in relation to the payment of assessments for local improvements in the city of New York. Passed May 14, 1878; three-fifths being present.

- CHAP. 256.** An act relating to the coroners of the city and county of New York, their duties and compensation. Passed May 15, 1878; three-fifths being present.
- CHAP. 257.** An act to authorize the common council of the city of Ogdensburg to raise money for the purpose of finishing and furnishing additional school rooms for the common schools of said city. Passed May 15, 1878; three fifths being present.
- CHAP. 258.** An act in relation to payment of railroad fares on the Ogdensburg and Lake Champlain railroad. Passed May 15, 1878.
- CHAP. 259.** An act to establish the compensation of the county judge and the surrogate of Saratoga county, pursuant to the fifteenth section of the amended sixth article of the constitution. Passed May 15, 1878; three-fifths being present.
- CHAP. 260.** An act to provide for a new school-house, in the town of Gravesend, Kings county, New York. Passed May 15, 1878; three-fifths being present.
- CHAP. 261.** An act to prevent accidents on railroads operated by steam power, in the State of New York. Passed May 15, 1878; three-fifths being present.
- CHAP. 262.** An act to release certain lands which have escheated to the state of Louisa Hanneder, widow of Joseph Hanneder, late of the city of Albany, New York. Passed May 15, 1878.
- CHAP. 263.** An act to release the interest of the people of the state of New York, in and to certain real estate in the city of New York in the state of New York, of which Peter W. Duncan, or Eliza Kelly, or both of said persons, died seized and possessed, to the persons who according to the statutes of this state, would answer the description of heirs at law of such deceased persons, whether they were citizens or aliens, at the time of the death of said Peter W. Duncan or Eliza Kelly. Passed May 15, 1878.
- CHAP. 264.** An act to authorize corporations organized under laws of this state to reduce their capital stock. Passed May 15, 1878.
- CHAP. 265.** An act to release the interest of the state in real estate of which Peter Welden, late of the county of Richmond, died seized, to Patrick Doran. Passed May 15, 1878.
- CHAP. 266.** An act to provide for the opening, grading and paving of a certain portion of DeKalb avenue in the city of Brooklyn. Passed May 15, 1878; three-fifths being present.
- CHAP. 267.** An act for the dissolution of the corporation known as "the Jews' Orphan and Indigent Asylum in New York, and for the division of its property. Passed May 15, 1878.
- CHAP. 268.** An act to release the interest of the people of the state of New York, in and to certain surplus moneys arising upon the sale of certain lands of which Dedrick Harth died seized. Passed May 15, 1878.
- CHAP. 269.** An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-eight, and to provide for an anticipated deficiency in former appropriations. Passed May 16, 1878; three-fifths being present.
- CHAP. 270.** An act re-appropriating money for the payment of sums due to contractors for new work upon and extraordinary repairs of the canals. Passed May 16, 1878; three-fifths being present.
- CHAP. 271.** An act to prevent the avoiding or passing the gate of the Halfmoon Bridge Company without payment of toll. Passed May 16, 1878.
- CHAP. 272.** An act supplementary to an act, entitled "An act to amend 'an act to incorporate the city of Ogdensburg, passed April twenty-seventh, eighteen hundred and sixty-eight, and the acts amending the same,'" passed May second, eighteen hundred and seventy-three, providing for a depository of the public funds, of the said city. Passed May 16, 1878; three-fifths being present.
- CHAP. 273.** An act to provide for the payment of counsel employed by the attorney general in behalf of the state. Passed May 17, 1878; three-fifths being present.
- CHAP. 274.** An act in relation to trust companies and certain other moneyed corporations. Passed May 18, 1878.

- CHAP. 275.** An act to amend chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the state of New York, and for the public defense, and entitled the Military Code." Passed May 18, 1878; three-fifths being present, and two-thirds of the members of each House present concurring therein.*
- CHAP. 276.** An act to amend chapter five hundred and twenty-three, laws of eighteen hundred and seventy, entitled "An act to incorporate the village of New Berlin, in Chenango county, and to repeal the present charter. Passed May 20, 1878; three-fifths being present.
- CHAP. 277.** An act to amend chapter two hundred and forty-five of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Portchester," and to amend chapter two hundred and twenty-seven, of the laws of eighteen hundred and seventy-seven. Passed May 20, 1878; three-fifths being present.
- CHAP. 278.** An act authorizing the village of Peekskill to borrow money for the repairs of streets, highways and bridges in the village of Peekskill, in anticipation of the moneys to be raised for such purpose in the year eighteen hundred and seventy-eight. Passed May 20, 1878; three-fifths being present.
- CHAP. 279.** An act to amend chapter three hundred and three of the laws of eighteen hundred and seventy-seven,* entitled "An act further to amend chapter five hundred and two* of the laws of eighteen hundred and sixty-nine, entitled an act to amend an act entitled an act to amend an act entitled an act to incorporate the village of Flushing," and the several acts amendatory thereof." Passed May 20, 1878; three-fifths being present.
- CHAP. 280.** An act to amend chapter seven hundred and eighty-three of the laws of eighteen hundred and seventy-one, entitled "An act relating to building bridges in the village of Niagara Falls" and the act amendatory thereof, being chapter four hundred and thirty of the laws of eighteen hundred and seventy-two. Passed May 20, 1878; three-fifths being present.
- CHAP. 281.** An act to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages." Passed May 20, 1878; three-fifths being present.
- CHAP. 282.** An act to amend chapter one hundred and eighty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to provide security against extraordinary conflagrations, and for the creation of safety funds by fire insurance companies." Passed May 21, 1878; three-fifths being present.
- CHAP. 283.** An act to repeal chapter four hundred and eighteen of the laws of eighteen hundred and seventy, entitled "An act to provide for the payment of the board of vagrants committed to the alms-house of the city and town of Newburgh. Passed May 21, 1878; three-fifths being present.
- CHAP. 284.** An act authorizing the Buffalo city cemetery to convey to the city of Buffalo certain lands for a street. Passed May 21, 1878; three-fifths being present.
- CHAP. 285.** An act to amend chapter four hundred and eighty-two, laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors." Passed May 21, 1878; three-fifths being present.
- CHAP. 286.** An act to amend chapter eight hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to regulate the fees of coroners." Passed May 21, 1878; three-fifths being present.
- CHAP. 287.** An act in relation to auctioneers. Passed May 21, 1878; three-fifths being present.
- CHAP. 288.** An act to amend title six, chapter one, part four, section two of the Revised Statutes, entitled "Of offenses punishable by imprisonment in a county jail and by fine," Passed May 21, 1878; three-fifths being present.
- CHAP. 289.** An act to provide ways and means for the support of government. Passed May 21, 1878; three-fifths being present.

*So in the original.

- CHAP. 290.** An act to facilitate the making proofs of imprisonment and discharge from state prison upon a trial for second offense. Passed May 21, 1878; three-fifths being present.
- CHAP. 291.** An act to authorize the comptroller to compromise and settle old judgments and contract debts. Passed May 21, 1878; three-fifths being present.
- CHAP. 292.** An act to amend section thirty-seven of title one of chapter five, part third of the Revised Statutes. Passed May 21, 1878; three-fifths being present.
- CHAP. 293.** An act to release the interest of the People of the State of New York in certain real estate in the counties of Greene and Delaware to Julia E. Stewart. Passed May 21, 1878; by a two-third vote.
- CHAP. 294.** An act releasing the interests of the State in certain lands of which Patrick Kinney died possessed to John Kinney, James Kinney and Patrick Kinney, his children and heirs at law. Passed May 21, 1878; by a two-third vote.
- CHAP. 295.** An act to release and convey the interests of the people of the State of New York, of, in and to a certain real estate situated in the town of Grand Island, county of Erie, State of New York, to Leopold Mullenhoff. Passed May 21, 1878; by a two-third vote.
- CHAP. 296.** An act to confirm the official acts of Ralph L. Cook as notary public of Kings county. Passed May 21, 1878; three-fifths being present.
- CHAP. 297.** An act to ratify and confirm the title of Catherine Rasbach to certain lands in the village of Ilion, Herkimer county, New York. Passed May 21, 1878.
- CHAP. 298.** An act to legalize the acts of surrogates and officers acting as such, in granting letters of administration, and to provide for the issuing of such letters in certain cases. Passed May 21, 1878; three-fifths being present.
- CHAP. 299.** An act to amend chapter four hundred and sixteen of the laws of eighteen hundred and seventy-seven, entitled "An act relating to courts, officers of justice and civil proceedings. Passed May 21, 1878.
- CHAP. 300.** An act relating to powers of attorney by married women. Passed May 21, 1878.
- CHAP. 301.** An act to authorize the attorney-general, the superintendent of public works, the superintendent of state prisons, and state treasurer to have official seals. Passed May 21, 1878; three-fifths being present.
- CHAP. 302.** An act in relation to the taking of clams, oysters and shell fish within the waters of this State, and dredging for the same. Passed May 21, 1878; three fifths being present.
- CHAP. 303.** An act making an appropriation to pay an award of the canal appraisers in favor of Peter Voorhees, as modified by the court of appeals. Passed May 21, 1878; three-fifths being present.
- CHAP. 304.** An act in relation to the property and families of absconding persons. Passed May 21, 1878; three-fifths being present.
- CHAP. 305.** An act to provide for a police commission in the town of New Lots, Kings county, and to establish a police force therein. Passed May 22, 1878; three-fifths being present.
- CHAP. 306.** An act to repeal chapter three hundred and five of the laws of eighteen hundred and seventy-one, entitled "An act providing for the disposal of excise moneys in the county of Niagara." Passed May 22, 1878; three-fifths being present.
- CHAP. 307.** An act to authorize the county clerk of Cattaraugus county to make and to certify to copies of the surveys and maps of the Allegany reservation as made by United States commissioners. Passed May 22, 1878; three-fifths being present.
- CHAP. 308.** An act in addition to an act, entitled "An act relating to the Union Cemetery in the town of Bushwick, county of Kings, passed April twelve, eighteen hundred and fifty-three. Passed May 22, 1878.
- CHAP. 309.** An act to facilitate the construction of the Syracuse Phoenix and Oswego railroad. Passed May 22, 1878; three-fifths being present.

- CHAP. 310.** An act to legalize the official acts and proceedings of Alanson King, Andrew Sheldon and Harvey Wellman, as commissioners of excise of the town of Perry, Wyoming county. Passed May 22, 1878; three-fifths being present.
- CHAP. 311.** An act to legalize and confirm the official acts of Robert B. Sedgwick of the county of Kings, a notary public. Passed May 22, 1878; three-fifths being present.
- CHAP. 312.** An act in relation to the manual labor school upon the Tonawanda reservation. Passed May 22, 1878; three-fifths being present.
- CHAP. 313.** An act to incorporate the General Council of the Methodist Episcopal Ministers' National Mutual Aid Association, and to provide for the organization of subordinate chapters. Passed May 22, 1878; three-fifths being present.
- CHAP. 314.** An act to amend chapter forty-one of the laws of eighteen hundred and sixty-one, entitled "An act to incorporate the veterans of the National Guard, seventh regiment, first division New York State Militia. Passed May 22, 1878.
- CHAP. 315.** An act to secure the payment of laborers, mechanics, merchants, traders and persons furnishing materials toward the performing of any public work in the cities of the State of New York. Passed May 22, 1878; three-fifths being present.
- CHAP. 316.** An act to amend chapter two hundred and forty-eight of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the act passed April eleventh, eighteen hundred and sixty, chapter two hundred and sixty-nine, entitled "An act to amend the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,'" passed February seventeenth, eighteen hundred and forty-eight. Passed May 22, 1878.
- CHAP. 317.** An act to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the bonded indebtedness of villages, cities, towns and counties." Passed May 22, 1878; three-fifths being present.
- CHAP. 318.** An act to amend chapter four hundred and sixty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to assignments of the estates of debtors for the benefit of creditors." Passed May 22, 1878.
- CHAP. 319.** An act to extend the time for the completion of the New York and Albany railroad. Passed May 22, 1878.
- CHAP. 320.** An act authorizing the adult male Seneca Indians, residing upon the Cornplanter reservation, to vote and hold office under the constitution* of the Seneca nation of Indians. Passed May 22, 1878.
- CHAP. 321.** An act to amend chapter one hundred and sixty-eight of the laws of eighteen hundred and sixty-four, entitled "An act to incorporate "the Mutual Protective Union." Passed May 22, 1878.
- CHAP. 322.** An act to enable Charles Land and his successors to take and hold real estate in the State of New York, as trustees, and to sell and convey the same within a limited period, notwithstanding his alienage. Passed May 22, 1878; by a two-third vote.
- CHAP. 323.** An act to amend chapter four hundred and forty-nine of the laws of eighteen hundred and seventy-six, entitled "An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the legislature, entitled 'An act relating to courts, officers of justice and civil proceedings.'" Passed May 22, 1878; three-fifths being present.
- CHAP. 324.** An act to amend chapter six hundred and eighty of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act in relation to wills,'" passed April twenty-third, eighteen hundred and sixty-four. Passed May 22, 1878.
- CHAP. 325.** An act to amend article three, title four, chapter two of part four of the Revised Statutes, entitled "Of the removal of indictments before trial or judgment. Passed May 22, 1878; three-fifths being present.
- CHAP. 326.** An act declaring both branches of the Oswegatchie river, in the towns of Croghan, and Diana, Lewis county, public highways. Passed May 22, 1878; three-fifths being present.

*So in the original.

- CHAP. 327.** An act to provide for the adjustment and payment of unpaid taxes due the county of Westchester by the towns of West Farms, Morrisania and Kingsbridge, lately annexed to the city and county of New York. Passed May 23, 1878; three-fifths being present.
- CHAP. 328.** An act to authorize the board of supervisors of the county of Broome to issue bonds for the purpose of raising money to pay the indebtedness of the county, to the State of New York. Passed May 23, 1878; three-fifths being present.
- CHAP. 329.** An act to amend chapter five hundred and ninety-six of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Manhattan Mortgage Company." Passed May 23, 1878; three-fifths being present.
- CHAP. 330.** An act to amend chapter two hundred and sixty-eight of the laws of eighteen hundred and seventy-five, entitled "An act to incorporate the Western Railroad Company." Passed May 23, 1878.
- CHAP. 331.** An act to amend chapter three hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act to authorize any town in the counties of Columbia or Rensselaer to aid in the completion of the Lebanon Springs Railroad." Passed May 23, 1878; three-fifths being present.
- CHAP. 332.** An act to reduce the number of managers of the charity foundation of the Protestant Episcopal church of the city of Buffalo. Passed May 23, 1878.
- CHAP. 333.** An act to amend an act passed January eighteenth, eighteen hundred and thirty-two, entitled "An act to revise and amend the act entitled 'An act to authorize the building of a toll bridge over the Hudson river, passed April second, eighteen hundred and twenty-five, and the act amendatory thereof, passed May second, eighteen hundred and twenty-nine.'" Passed May 23, 1878.
- CHAP. 334.** An act supplemental to chapter six hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the organization and regulation of certain business corporations." Passed May 23, 1878; three-fifths being present.
- CHAP. 335.** An act to amend "An act relative to the construction of sewers in a certain district in the city of Brooklyn, and providing for laying an assessment for sewers in said district," passed June twenty-first, eighteen hundred and seventy-five. Passed May 23, 1878; three-fifths being present.
- CHAP. 336.** An act in relation to the assessment for the re-pavement of Atlantic avenue with granite pavement in the city of Brooklyn. Passed May 23, 1878; three-fifths being present.
- CHAP. 337.** An act to amend section one, chapter two hundred and nine of the laws of eighteen hundred and seventy-seven, entitled "An act regulating the amount of capital stock for fire and marine insurance companies." Passed May 23, 1878.
- CHAP. 338.** An act to amend chapter four hundred and ninety-seven of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the city of Poughkeepsie, and to consolidate it with other acts relating to said city." Passed May 23, 1878; three-fifths being present.
- CHAP. 339.** An act to authorize the commissioners for the erection of a city and county hall in the city of Buffalo and county of Erie to assign a portion of said building for the use of the coroners of said county. Passed May 23, 1878.
- CHAP. 340.** An act in relation to the repaving of streets in the city of Syracuse, and to amend the charter of said city. Passed May 23, 1878; three-fifths being present.
- CHAP. 341.** An act authorizing a change of boundary between the park under the jurisdiction and control of the park commissioners of the city of Buffalo and the lands of the Buffalo city cemetery. Passed May 23, 1878; three-fifths being present.
- CHAP. 342.** An act to create a board of park commissioners and to provide for the care, government, protection and improvement of the public park known as Ross Park, in the city of Binghamton. Passed May 23, 1878; three-fifths being present.
- Chap. 343.** An act to enable the Park commissioners of the city of Buffalo to transfer to said city their jurisdiction and control over certain lands taken for a park and laid out by said commissioners as part of Delaware street. Passed May 23, 1878; three-fifths being present.

CHAP. 344. An act to amend chapter four hundred and four of the laws of eighteen hundred and seventy-seven, entitled "An act to provide for the disposition and sale of certain lateral canals of this state, and the lands, rights and other property connected therewith." Passed May 23, 1878; by a two-third vote.

CHAP. 345. An act to repeal a part of chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts," and so as to revive so much of chapter four hundred and thirty-eight of the laws of eighteen hundred and seventy-two, entitled "An act relating to courts of record and other courts in the city and county of New York" as relates to clerks of district courts in the city of New York. Passed May 23, 1878; three-fifths being present.

CHAP. 346. An act relative to the collection of taxes and assessments in the city of Brooklyn. Passed May 23, 1878; three-fifths being present.

CHAP. 347. An act to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs." Passed May 23, 1878.

CHAP. 348. An act to amend chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act passed May third, eighteen hundred and seventy, entitled "An act to amend an act to incorporate the city of Troy, passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy. Passed May 23, 1878; three-fifths being present.

CHAP. 349. An act to facilitate the removal of human remains from burying grounds within the limits of cities. Passed May 23, 1878.

CHAP. 350. An act to amend title seven of chapter seven hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown." Passed May 23, 1878; three-fifths being present.

CHAP. 351. An act in relation to the city government of Long Island city. Passed May 23, 1878; three-fifths being present.

CHAP. 352. An act in relation to certain public officers in the county of Kings. Passed May, 23, 1878; three-fifths being present.

CHAP. 353. An act in relation to the term of office of the clerk and assistant clerk of the board of supervisors of Kings county, and the engineers of the county courthouse in said county. Passed May 23, 1878; three-fifths being present.

CHAP. 354. An act to amend chapter one hundred and thirty, laws of eighteen hundred and forty-two, entitled "An act respecting elections other than for militia and town officers," and the several acts amendatory thereof. Passed May 24, 1878; three-fifths being present.

CHAP. 355. An act to limit and define the powers of the the* supervisor, town clerk, commissioners of highways and justices of the peace of the town of Pelham, in the county of Westchester. Passed May 24, 1878; three-fifths being present.

CHAP. 356. An act to amend section, one of chapter two hundred and twenty-five of the laws of eighteen hundred and seventy-seven, entitled "An act to establish the boundary line between the towns of Jay and Wilmington in the county of Essex and to confirm the past jurisdiction of said towns respectively in relation to said line. Passed May 24, 1878; three-fifths being present.

CHAP. 357. An act to authorize the electors of the town of Greenburgh residing within the village of White Plains to vote for commissioners of highways of the town of Greenburgh in the county of Westchester. Passed May 24, 1878; three-fifths being present.

CHAP. 358. An act to exempt the counties of Wayne, Delaware, Allegany, Oneida, Cayuga, Erie, St. Lawrence, Schuyler, Rockland, Orange, Sullivan, Columbia and Broome, from the provisions and operation of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties." Passed May 24, 1878; three-fifths being present.

- CHAP. 359.** An act to amend section nine, chapter ninety of the laws of eighteen hundred and sixty-nine, entitled "An act to provide for improvement of the navigation of the Racket river and of the hydraulic power thereon, and to check freshets therein." Passed May 24, 1878; three-fifths being present.
- CHAP. 360.** An act to extend the time for the collection of taxes in the town of Cherry Valley, in the county of Oswego. Passed May 24, 1878; three-fifths being present.
- CHAP. 361.** An act to authorize the city of Brooklyn to pay to John McCloskey the proper cost of a certain temporary sewer or drain in Hicks street connected with Hamilton avenue sewer, constructed by said McCloskey under a resolution of award of the common council of, said city, passed October twenty-fifth, eighteen hundred and sixty-nine. Passed May 24, 1878; three-fifths being present.
- CHAP. 362.** An act to transfer the care and control of Bedford avenue, in the city of Brooklyn, to the park commissioners of said city. Passed May 24, 1878; three-fifths being present.
- CHAP. 363.** An act in relation to the re-grading and paving of Grand street, from Union avenue to Bushwick avenue in the city of Brooklyn, with Belgian pavement. Passed May 24, 1878; three-fifths being present.
- CHAP. 364.** An act relating to the assessment of real property in the city of Brooklyn, county of Kings, owned and occupied by charitable corporations, societies or institutions. Passed May 24, 1878; three-fifths being present.
- CHAP. 365.** An act to legalize the acts and proceedings of the inhabitants and trustees of school district number twenty-nine, in the town and county of Onondaga. Passed May 24, 1878; three-fifths being present.
- CHAP. 366.** An act to incorporate the Brooklyn church society of the Methodist Episcopal church. Passed May 24, 1878.
- CHAP. 367.** An act to amend chapter one hundred and seven of the laws of eighteen hundred and seventy-eight, entitled "An act requiring justices of the peace to give bonds." Passed May 24, 1878; three-fifths being present.
- CHAP. 368.** An act for the relief of George W. Spencer, late clerk of the county of Yates. Passed May 24, 1878; by a two-third vote.
- CHAP. 369.** An act to provide for a hall of military record and the maintenance thereof. Passed May 25, 1878; three-fifths being present.
- CHAP. 370.** An act limiting the time and expense of completing the Adirondack survey." Passed May 25, 1878; three-fifths being present.
- CHAP. 371.** An act to classify the board of trustees of "The Clinton liberal institute," and to provide for the election of said trustees. Passed May 21, 1878; three-fifths being present.
- CHAP. 372.** An act to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs." Passed May 28, 1878.
- CHAP. 373.** An act to amend chapter three hundred and nine of the laws of eighteen hundred and seventy-seven, entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, eighteen hundred and seventy-seven, and making appropriations for dredging the canal basin at Whitehall [and constructing a bridge over the Champlain canal in the city of Cohoes.]" Passed June 1, 1878; three-fifths being present.
- CHAP. 374.** An act to amend chapter two hundred of the laws of eighteen hundred and seventy-four, entitled "An act to authorize the appraisal and sale of leased fine salt lots on the Onondaga salt springs reservation, by the commissioners of the land office, and to authorize the sale of certain coarse salt lands, the removal of vats therefrom, and the purchase of other lands in lieu thereof." Passed June 1, 1878; three-fifths being present.

- CHAP. 375.** An act to incorporate the Columbia county bar association. Passed June 1, 1878; three-fifths being present.
- CHAP. 376.** An act further to amend chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn, and the various amendments thereof." Passed June 1, 1878; three-fifths being present.
- CHAP. 377.** An act in relation to the disposition and application of moneys raised and collected in the towns of this state for highway and bridge purposes. Passed June 1, 1878; three-fifths being present.
- CHAP. 378.** An act for the protection of life, and to prevent accidents by vessels navigating the port and harbor of New York, and waters adjacent thereto. Passed June 1, 1878; three-fifths being present.
- CHAP. 379.** An act relative to judgments entered upon forfeited recognizances in the city and county of New York. Passed June 1, 1878.
- CHAP. 380.** An act relating to the public place or square known as Washington park in the city of New York. Passed June 1, 1878; three-fifths being present.
- CHAP. 381.** An act to amend chapter four hundred and three of the laws of eighteen hundred and sixty-eight, entitled "An act to establish and maintain a free bridge between Sag-Harbor and North Haven in the town of Southampton, Suffolk county, and to make such a bridge county charge." Passed June 1, 1878; three-fifths being present.
- CHAP. 382.** An act to amend chapter six hundred and sixty-four of the laws of eighteen hundred and seventy-three, entitled "An act to organize the village of Monticello into a separate school district, and to provide for the purchase of a site and erection of a school edifice." Passed June 1, 1878; three-fifths being present.
- CHAP. 383.** An act relating to certain indebtedness of the city of New York, and to provide for the payment and cancellation of the same. Passed June 3, 1878; three-fifths being present.
- CHAP. 384.** An act to further amend chapter one hundred and twenty-six of the laws of eighteen hundred and twenty-four, entitled "An act to incorporate the society for the reformation of juvenile delinquents in the city of New York," as amended by chapter two hundred and forty-one of the laws of eighteen hundred and sixty. Passed June 3, 1878; three-fifths being present.
- CHAP. 385.** An act to provide means for the equipment and furnishing of the building erected on that portion of the Central park, in the city of New York, east of the old receiving reservoir, under the provisions of chapter two hundred and ninety of the laws of eighteen hundred and seventy-one, for the purposes of a museum and gallery of art, and for removing thereto and establishing therein the collections of the metropolitan museum of art. Passed June 3, 1878; three-fifths being present.
- CHAP. 386.** An act to amend chapter four hundred and seventy-seven of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February twenty-seven, eighteen hundred and seventy-one; and also an act to re-enact and amend the same, passed April six, eighteen hundred and seventy-one; also, to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at higher elevation. Passed June 3, 1878; three-fifths being present.
- CHAP. 387.** An act to legalize the action of the annual town meeting of the town of Johnstown, in the county of Fulton, held on the twelfth and thirteenth days of February, eighteen hundred and seventy-eight, in raising money for roads and bridges and authorizing the collection thereof. Passed June 4, 1878; three-fifths being present.
- CHAP. 388.** An act to authorize the appointment of a clerk by the coroners of the county of Kings. Passed June 4, 1878; three-fifths being present.
- CHAP. 389.** An act to create a police pension fund for disabled and retired policemen in the city of New York. Passed June 4, 1878; three-fifths being present.

- CHAP. 390.** An act to amend chapter two hundred and sixty-four of the laws of eighteen hundred and fifty-one, entitled "An act to amend the act entitled 'An act to incorporate the village of Bath, in the county of Steuben.'" Passed June 4, 1878; three-fifths being present.
- CHAP. 391.** An act authorizing the city of Binghamton to use a portion of the Chenango canal for a public street. Passed June 4, 1878; by a two-third vote.
- CHAP. 392.** An act to alter the boundary line between the towns of Davenport and Meredith in the county of Delaware. Passed June 4, 1878.
- CHAP. 393.** An act to provide for the erection of an iron bridge at Fourth avenue and the eastern boulevard at One Hundred and Sixteenth street in the city of New York. Passed June 4, 1878; three-fifths being present.
- CHAP. 394.** An act to amend chapter six hundred and ninety-one of the laws of eighteen hundred and sixty-five, entitled "An act to amend an act entitled 'An act to amend an act for the incorporation of companies formed to navigate the lakes and rivers,'" passed April fifteenth, eighteen hundred and fifty-four, and to amend an act, entitled "An act to amend an act entitled 'An act for the incorporation of companies to navigate the lakes and rivers,'" passed April fifteenth, eighteen hundred and fifty-four, passed April fifteenth, eighteen hundred and sixty-one. Passed June 5, 1878; three-fifths being present.
- CHAP. 395.** An act to amend chapter five hundred and nineteen of the laws of eighteen hundred and seventy, entitled "An act to revise the charter of the city of Buffalo." Passed June 5, 1878; three-fifths being present.
- CHAP. 396.** An act to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office. Passed June 6, 1878; three-fifths being present.
- CHAP. 397.** An act to incorporate the Greenport Wharf Company. Passed June 6, 1878.
- CHAP. 398.** An act for the relief of John Hogan and to authorize the comptroller of the city of New York to pay the amount which may be found due from said city to said Hogan, for granite furnished for a bridge in said city. Passed June 6, 1878; three-fifths being present.
- CHAP. 399.** An act to authorize the Mutual Fire Insurance Company to unite a cash capital and to provide for its participation in their business. Passed June 6, 1878.
- CHAP. 400.** An act to amend chapter three hundred and thirty five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York. Passed June 6, 1878; three-fifths being present.
- CHAP. 401.** An act supplemental to chapter three hundred and six of the laws of eighteen hundred and sixty-two, entitled "An act to prevent and punish fraud in the use of stamps, brands, labels or trade-marks." Passed June 8, 1878; three-fifths being present.
- CHAP. 402.** An act to authorize the county clerk of Kings county to arrange, assort and repair all judgments, decrees, orders and other papers filed or deposited in Kings county clerk's office, and to record and certify mutilated or injured writings affecting the title to real estate in said county, and providing compensation for his services in that respect. Passed June 8, 1878; three-fifths being present.
- CHAP. 403.** An act to authorize the trustees of Emily L. Shepard to convey lands in the city of New York." Passed June 8, 1878.
- CHAP. 404.** An act to provide for the support, treatment and care of pauper, destitute and delinquent children. Passed June 8, 1878; three-fifths being present.
- CHAP. 405.** An act to regulate the use of certain docks in the city of Albany. Passed June 10, 1878; three-fifths being present.
- CHAP. 406.** An act to fix the compensation of justices of sessions in Monroe county. Passed June 19, 1878; three-fifths being present.
- CHAP. 407.** An act to repeal section eight of chapter thirty-six of the laws of eighteen hundred and sixty-three, entitled "An act authorizing the village of West Troy to pave Broad street therein from Auburn street to its southern terminus; to procure a steam fire engine, and the necessary hose, hose carriage, lot and engine house for the

same, and to borrow money for such purposes; also empowering the said village to light the streets thereof, and directing that the police constables of said village be uniformed and wear the badge of office." Passed June 10, 1878; three-fifths being present.

CHAP. 408. An act to amend chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts." Passed June 12, 1878.

CHAP. 409. An act for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the town of Flatbush, in Kings county. Passed June 12, 1878; three-fifths being present.

CHAP. 410. An act to improve Flushing avenue, Long Island City. Passed June 12, 1878; three-fifths being present.

CHAP. 411. An act to confer powers upon the common council of the city of New York, to restore Tompkins square as a public park. Passed June 12, 1878; three-fifths being present.

CHAP. 412. An act to amend chapter seven hundred and thirty-nine of the laws of eighteen hundred and fifty-seven, entitled "An act to authorize the formation of town insurance companies." Passed June 12, 1878; three-fifths being present.

CHAP. 413. An act to amend chapter eight hundred of the laws of eighteen hundred and sixty-nine, entitled "An act in relation to making and repairing highways and bridges in the towns of Flatbush and New Utrecht, in Kings county." Passed June 13, 1878; three-fifths being present.

CHAP. 414. An act to facilitate the collection of certain unpaid taxes in the town of Newtown in the county of Queens. Passed June 13, 1878; three-fifths being present.

CHAP. 415. An act to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and the various acts amendatory thereof, or relating to the city of Rochester. Passed June 13, 1878; three-fifths being present.

CHAP. 416. An act for the relief of Thomas E. Davis. Passed June 14, 1878; three-fifths being present.

CHAP. 417. An act to provide for the laying out and improvement of the public squares and places established in Fourth avenue, in the city of New York, by chapter five hundred and twenty-eight of the laws of eighteen hundred and seventy-three. Passed June 14, 1878; three-fifths being present.

CHAP. 418. An act to improve Steinway avenue, Long Island City. Passed June 14, 1878; three-fifths being present.

*So in the original.

CONCURRENT RESOLUTIONS :

Relative to the redemption of the coin obligations of the government in gold or its full equivalent Passed January 29, 1878.

PROPOSING AN AMENDMENT to *section six article six of the Constitution*. Passed February 1, 1878.

In relation to Census Report of eighteen hundred and seventy-five. Passed May 3, 1878.

Relative to rates of tolls on the canals for the year eighteen hundred and seventy-eight. Passed February 6, 1878.

Relative to the Paris International Industrial Exposition. Passed February 15, 1878.

Relative to furnishing military equipments to the Albany Academy. Passed May 9, 1878.

Authorizing the Canal Board to regulate the tolls on the Black River canal. Passed March 20, 1878.

Authorizing the Governor to issue camp equipage to the Utica Citizens Corps in place of such equipage loaned by said corps to the state. Passed April 11, 1878.

Relative to the portrait of Chief Justice Ambrose Spencer. Passed March 26, 1878.

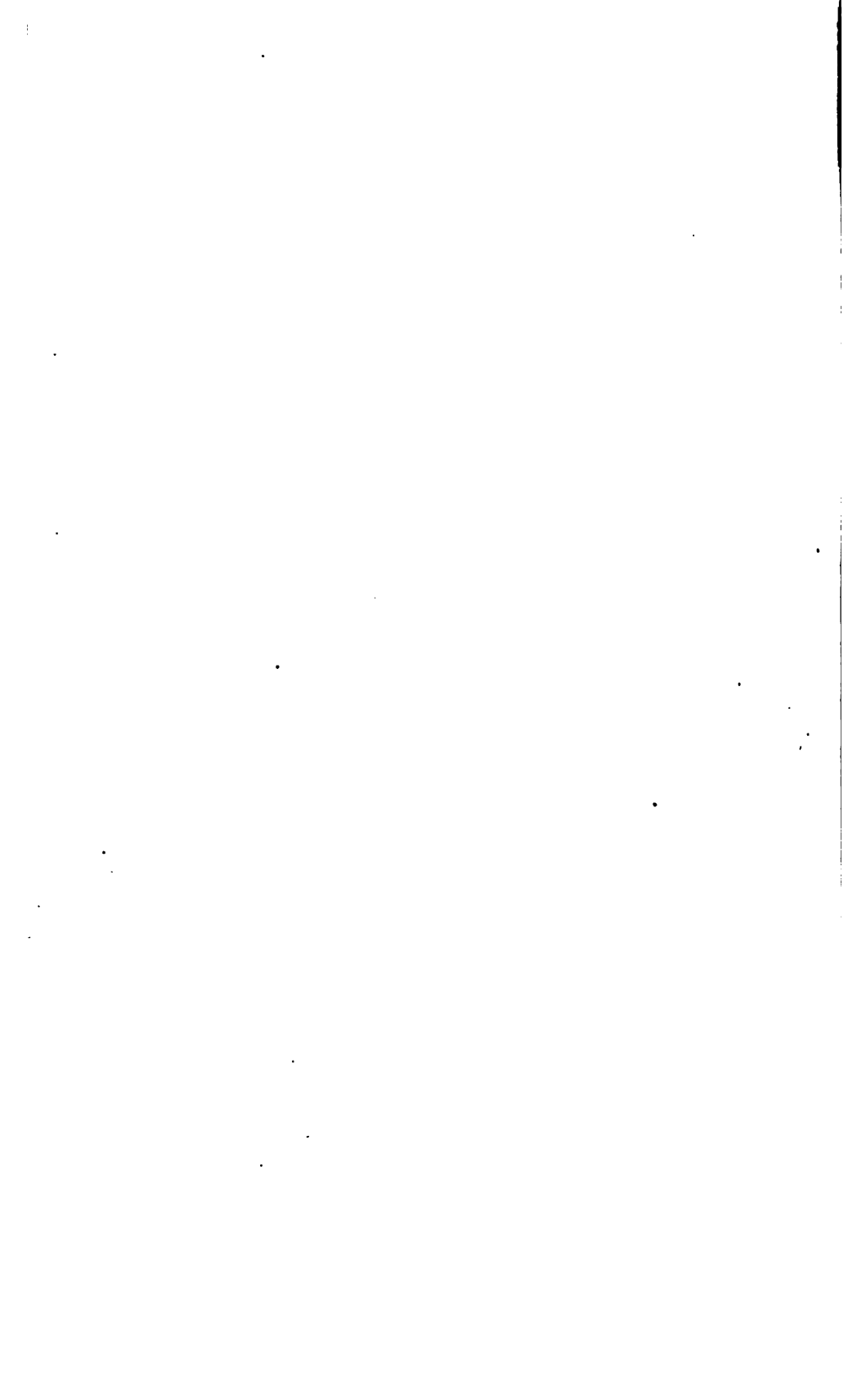
Relative to the improvement of Spuyten Duyvil creek. Passed April 5, 1878.

Relative to printing report of State Engineer and Surveyor on Railroads. Passed April 5, 1878.

Relative to the publication of certain historical records. Passed May 8, 1878.

Authorizing the Governor to appoint a commissioner to attend the Prison Congress to be held at Stockholm. Passed May 7, 1878.

IN RELATION TO THE CAPITOL OF THE STATE OF NEW YORK. Passed May 17, 1878.



GENERAL STATUTES

OF THE

STATE OF NEW YORK

PASSED AT THE

101st SESSION, 1878.

CHAP. 18.

AN ACT in relation to field books, surveys, maps, official papers, reports and records, in the office of the State Engineer and Surveyor.

PASSED February 18, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Copies of all official field books, maps, surveys, records, reports and papers filed or deposited according to law, in the office of the state engineer and surveyor, when certified by the state engineer and surveyor, or his deputy in the form of and pursuant to law, shall, in all cases, be evidence, equally and in like manner, as the originals. Copies of field books, etc., to be evidence.

§ 2. The state engineer and surveyor, with the approval of the governor, shall devise a seal of office, with suitable inscription, a description of which, with a certificate of approval by the governor, shall be filed in the office of the secretary of state, with an impression thereof, which seal shall thereupon be and become the seal of office of the state engineer and surveyor, and the same may be renewed when necessary. Seal. Whenever and from the time that such description and impression of seal are filed in the office of the secretary of state, all certificates of the sale of state lands, all copies of maps, surveys, field books, official papers, reports or records, certified by the state engineer and surveyor or his deputy shall be sealed with said seal of office. Certificates to be sealed.

§ 3. This act shall take effect immediately.

See Code Civ. Proc., § 983.

CHAP. 28.

AN ACT relating to diseased animals.

PASSED February 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Penalty
for selling
or using
diseased
animals.

SECTION 1. Any person who shall knowingly sell or offer for sale, or use, or expose, or who shall cause or procure to be sold, or offered for sale, or used, or to be exposed, any horse or other animal having the disease known as glanders, or farcy, or any other contagious or infectious disease by such person known to be dangerous to human life, or which shall be diseased past recovery, shall be guilty of a misdemeanor.

Diseased
animals to
be killed.

§ 2. Every animal having glanders, or farcy, shall at once be deprived of life by the owner or person having charge thereof, upon discovery or knowledge of its condition; and any such owner or person omitting or refusing to comply with the provisions of this section shall be guilty of a misdemeanor.

§ 3. This act shall take effect immediately.

Liability of owner of animals having an infectious disease. *Fisher v. Clark*, 41 Barb. 329; *Mills v. The New York & Harlem R. R. Co.*, 2 Rob. 326; *Boone v. Utica*, 2 Barb. 104; *Barnum v. VanDusen*, 16 Conn. 200; *Eaton v. Winne*, 20 Mich. 156; S. C., 4 Am. Rep. 377; *Wood on Nuisances*, § 70; *Wharton on Negligence*, § 918; *Shearman and Redfield on Negligence*, §§ 183, 224n; *Mullett v. Mason*, Law Rep. 1 C. P. 559; *Fultz v. Wycoff*, 25 Ind. 321; *Morrison v. Cornelius*, 68 N. Y. 346; *Herold v. Meyers*, 20 Iowa, 378; *Herrick v. Gary*, 66 Ill. 101.

CHAP. 30.

AN ACT to amend article third of title three of chapter six of the second part of the revised statutes, entitled "of the duties of executors and administrators in rendering an account and in making distribution to the next of kin."

PASSED February 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
2 R. S. 95.
2 Edm. 99.

SECTION 1. The seventy-second section of article third of title third of chapter six of the second part of the revised statutes is hereby amended so as to read as follows:

Distribu-
tion.

§ 72. In such order the surrogate may direct the delivery of any personal property, which shall not have been sold and the assignment of any mortgages, bonds, stocks, notes or choses in action or other demands, among those entitled to payment or distribution in lieu of so much money as such property or securities may be worth, to be ascertained by the appraisement and oath of such persons as the surrogate shall appoint for that purpose, in the following cases:

1. If the parties who shall have appeared consent, in writing thereto.

2. Or if it appears that a sale thereof for the purpose of payment or distribution would cause a loss to the parties entitled thereto.

§ 2. This act shall take effect immediately.

Repealed by ch. 245, L. 1880. See Co. Civ. Proc., § 2744.

CHAP. 35.

AN ACT granting free passage through toll-gates and over toll-bridges and ferries to the national guard.

PASSED February 27, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any member or members of the national guard of this state, when in uniform, going to or returning from any parade, encampment, drill or meeting, which he or they may be required to attend in compliance with orders from any competent authority, shall, together with such conveyance or conveyances or military property of the state, as he or they may be in charge of, be allowed, without any hindrance or delay, to pass free through all toll-gates and over all toll-bridges and ferries within the state.

Members of National Guard going to and from drills, etc., exempt from toll.

§ 2. Any toll-gate or toll-bridge keeper or any ferry master, or any other person or persons who may be in charge of any toll-gate, toll-bridge or ferry, who shall willfully hinder or delay any member or members of the national guard, or shall refuse free passage to such member or members of the national guard, who shall be acting under the provisions of the first section of this act, shall be guilty of a misdemeanor, and on conviction be fined no less than ten dollars and no more than twenty dollars or be imprisoned no less than five days and no more than ten days.

Penalty for hindering or refusing passage.

§ 3. This act shall take effect immediately.

CHAP. 40.

AN ACT to provide for the appointment and compensation of deputies and clerks in the attorney-general's office.

Attorney-General's office.

PASSED February 28, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The attorney-general may appoint for the duties of his office two deputies to be designated as first and second; two clerks, and one messenger, who shall severally be paid the following annual salaries: the deputies four thousand dollars each, the clerks two thousand dollars each, and the messenger who shall also perform the duties of clerk when required by the attorney-general, the sum of one thousand dollars, all of said salaries to be payable monthly. Any officer herein before authorized to be appointed may be removed by the attorney-general at pleasure and another appointed in his stead.

Deputies and clerks in. Compensation. Removals.

§ 2. All provisions of law inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 44.

AN ACT to amend chapter three hundred and forty-four of the laws of eighteen hundred and seventy-seven, entitled "An act to authorize railroad corporations to pay commutation money for highway labor, to the commissioners of highways of towns."

Highway commutations by railroads.

PASSED March 4, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and forty-four of the laws of eighteen hundred and seventy-seven, entitled "An act to

Amending Laws 1877, ch. 344, ante, p. 423.

authorize railroad corporations to pay commutation money for highway labor, to the commissioners of highways of towns," is hereby amended so as to read as follows:

Commutation of highway labor by railroads.

§ 1. Whenever any railroad corporation assessed in any town or road district for highway labor shall elect to commute therefor, as provided by law, such corporation shall pay the commutation money to the commissioner or commissioners of highways of such town, and such moneys shall be applied and expended in the improvement of the roads and building and maintenance of bridges in such town.

§ 2. This act shall take effect immediately.

The amendment consists in substituting the words following "town" in the fourth line from the bottom for the following words, "for the benefit of the road district or districts in such town in which the property of such corporation may be situated. And said commissioner or commissioners shall distribute said money to the overseers of highways of such road districts, to be applied and expended by such overseers in the improvement of the roads and bridges in their respective districts as is now provided by law."

CHAP. 47

State Commissioner in Lunacy.

AN ACT in relation to the powers and duties of the state commissioner in lunacy.

PASSED March 11, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May employ stenographer.

SECTION 1. The state commissioner in lunacy is hereby empowered to employ a stenographer, whenever any testimony is to be taken before him in the discharge of his official duties; and the charges of such stenographer shall be paid by the comptroller upon presentation of vouchers duly attested, provided such charges shall not exceed ten dollars per day for the time actually employed, nor one thousand dollars in any one year in the aggregate.

Notice of investigation of asylums, etc.

Duty of district attorney.

§ 2. Whenever the said commissioner shall undertake any investigation into the general management and administration of any asylum, institution or establishment, public or private, for the custody of the insane, he shall give due notice thereof to the district attorney of the county in which such asylum or institution is situated, and it shall, thereupon, be the duty of such district attorney to appear at such investigation in behalf of the people, and to examine all witnesses who may be in attendance thereat.

§ 3. This act shall take effect immediately.

See 7 Abb. N. C. 425.

CHAP. 48.

AN ACT to authorize the transfer to the state of the Soldiers' Home, and the appointment of a board of trustees for its completion and control.

Soldiers' Home.

PASSED March 11, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Grand Army of the Republic Soldiers' Home of New York, a corporation organized pursuant to chapter two hundred and seventy, of the laws of eighteen hundred and seventy-six, is hereby authorized and empowered to transfer and convey by deed and bill of sale, all its real and personal property, wherever situated, to the state of New York, the deed conveying its real estate to be executed under the hands and seals of its president and secretary, or the seal of the corporation, if it has one, duly acknowledged, and to be recorded in the clerk's office of the county in which the property is situated, and the bill of sale of its personal property to be executed in like manner, and to be filed in the office of the secretary of state.

May be transferred to State.

Deed.

§ 2. Upon the due execution (within one year from the passage of this act) of such deed and bill of sale, and upon such recording and filing thereof, and upon its being made to appear to the satisfaction of the comptroller of this state that the contracts then existing for the erection of buildings on such real estate, for the purposes of said corporation, have been made with a due regard to economy and fitness, and are such as the comptroller shall approve, which approval shall be in writing and transmitted to the governor for his information, the governor shall nominate and, by and with the advice and consent of the senate, appoint nine reputable citizens of this state as a board of trustees for the completion, management and control of said soldiers' home, of which board the governor and attorney-general shall be ex-officio members. Three of the trustees so appointed shall hold office for three years, three for two years, and three for one year, from and after the fifteenth day of January next preceding the day of their appointment; and annually thereafter, on or before the fifteenth day of January, three like citizens of this state shall be appointed trustees of said soldiers' home in the place of those whose terms of office are so to expire, in like manner as the original nine are to be appointed; but the term of office of no trustee shall be deemed to have expired until his successor shall have been appointed and qualified. All vacancies occurring in said board by resignation, death, removal from the state or otherwise, shall be filled by the governor in like manner as the original nine trustees shall be appointed.

When board of trustees to be appointed.

Terms of office.

Vacancies.

§ 3. Said trustees shall receive no compensation for their services as such trustees or otherwise, except their actual and necessary traveling expenses incurred in attending the meetings of the board or in the discharge of any duty connected therewith as may be imposed on them by direction of the board of trustees or by law. But the trustee who may be elected to act as the secretary may receive a reasonable compensation for his services, to be fixed by the board with the approval of the comptroller, not to exceed the sum of two hundred and fifty dollars. No trustee shall be interested in any contract for the construction or furnishing of any of the buildings of said corporation or

Compensation of trustees.

Trustees not to be interested in contracts.

in furnishing supplies for use or consumption therein; and any contract made wherein any trustee shall be interested, directly or indirectly, shall be void, and any trustee so becoming interested or making any contract wherein he shall have any pecuniary interest, direct or indirect, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine not exceeding five hundred dollars or imprisonment in a county jail not exceeding three months, or both in the discretion of the court.

First
meeting of
trustees.

Officers.

Title of
board.

Powers of
board.

§ 4. The secretary of state, within ten days after the appointment of said trustees as hereinbefore provided, shall notify them by letter of their appointment, and invite them to meet at a specified day and hour, not less than ten days nor more than fifteen days from the time of giving such notice, at the office of the secretary of state in the city of Albany, for the purpose of organization; at which time the said trustees shall by lot determine their respective terms of office in such way as a majority of them may agree upon. The secretary of state shall act in such drawing for such trustees as may not be present. Upon taking the oath of office before the secretary of state the said trustees in conjunction with ex-officio members and annually thereafter, shall proceed to elect by ballot a president, a secretary and treasurer; the offices of the latter two being joined in one trustee or held separately by two as the board may determine, and an executive committee. When so organized the said board shall be known as the board of trustees of the New York State Soldiers and Sailors' Home.

§ 5. Said board of trustees shall at once take possession of all the property of said corporation so conveyed to the state and proceed to complete the buildings already begun or hereafter to be erected, and have them ready for occupation, with all suitable dispatch, with any funds appropriated therefor, or which may come into their hands for such purpose, and shall pay any existing indebtedness of said corporation which shall be or may become a lien thereon. Said board shall have power to make contracts in their name for work and materials for the completion of buildings on said property, the furnishing thereof, and the furnishing of supplies for use and consumption therein, but shall expend no more money or incur any indebtedness for such purposes beyond the appropriation previously made therefor by the legislature, and shall also have power to adopt and establish such rules and regulations specifying the duties of its officers and for the government of its inmates, fixing the terms and conditions of admission to said home and prescribing the causes and manner of expulsion therefrom, as may by them be deemed necessary. But no such contract shall be entered into, and no such rules and regulations shall be operative until the same shall have been submitted to and approved by the comptroller; and they may require and take in their name any security by way of bond, or otherwise, from any person appointed or elected by them, and their sureties for the faithful performance of the duties for which the appointment or election is made or had, and for truly accounting for all moneys or property received by such person on account of such trustees.

Admis-
sions to
Home.

§ 6. Every honorably discharged soldier or sailor who served in the army or navy of the United States during the late rebellion, who enlisted from the state of New York or who shall have been a resident of this state for one year preceding his application for admission, and who shall need the aid or benefit of said home, in consequence of physical disability or other cause within the scope of the regulations of the board, shall be entitled to admission to said home, subject to the con-

ditions, limitations and penalties, prescribed by the rules and regulations adopted by the board.

§ 7. The said board shall annually on or before the fifteenth day of January, in each year, make to the legislature a detailed report of all its receipts and expenditures and of all its proceedings for the previous year, together with full estimates for the coming year, verified on oath by the president and treasurer and shall make such other and further reports as the legislature may from time to time require.

Annual report.

§ 8. This act shall take effect immediately.

CHAP. 49.

AN ACT in relation to noxious weeds and brush in public highways.

PASSED March 11, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of every person or corporation, owning or occupying under a lease for one or more years, any cultivated or inclosed lands abutting upon any highway, to cause all noxious weeds, briars and brush, growing upon said lands, within the bounds of said highway, to be cut or destroyed between the fifteenth day of June, and the first day of July, and between the fifteenth day of August and the first day of September, in each and every year. But boards of supervisors may fix a different period, or periods, for such cutting or destruction in their respective counties. This section shall not be construed to restrict any of the powers heretofore conferred upon boards of supervisors.

Lessees to destroy noxious weeds, etc., in highway.

§ 2. It shall be unlawful for any person to place or cause to be placed any noxious weeds, or the seeds of such weeds, within the bounds of any public highway.

Noxious weeds not to be placed in highway. Penalty.

§ 3. Any willful neglect or refusal to comply with the provisions of section one of this act, or any willful violation of section two of this act, shall subject the person or corporation so offending to a penalty of ten dollars and costs in and for each road district in which any of such provisions shall be violated, to be sued for by the commissioner or commissioners of highways of the town wherein said road districts shall be situate, or by the street commissioner of villages, when such village constitutes a separate road district, and recovered before any justice of the peace having jurisdiction; said fine, when collected, to be paid into the highway fund of such town or village.

§ 4. It shall be the duty of commissioners of highways of towns or street commissioner of villages to prosecute every person or corporation violating any of the provisions of this act in their respective towns or villages, and to include in each annual report of such commissioners a detailed statement of all fines recovered under the provisions of this act.

Who to prosecute.

CHAP. 59.

Incorporation of villages.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED March 18, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending Laws 1870, ch. 291.
7 Edm. 681.

SECTION 1. Section ten of title one of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

Inspectors of election to file certificate of result.

§ 10. Within three days after, such election the said board of inspectors shall make out a certificate of the holding of the same, and of the canvass of the ballots thereat, showing the whole number of such ballots, the number with the word "yes" thereon, and with the word "no" thereon, with a copy of the notice of the holding of such election, and an affidavit of posting or publishing the same, as hereinbefore provided. Such certificate shall be signed by said inspectors, or a majority of them, and its truth verified by their affidavits annexed thereto, and shall, within ten days after such election, be filed and recorded in the county clerk's office of the county within which such territory shall be, or in case such territory shall be located in two or more counties, then such certificate shall be filed with the county clerk of each of such counties.

§ 2. Section eleven of title one of said act is hereby amended so as to read as follows:

Appeals to county judge.

§ 11. Within ten days after such filing any elector qualified to vote at such election may appeal to the county judge of the county in which such territory shall be located, or in case such territory shall be located in two or more counties, then to the county judge of either of said counties, by petition, specifying the irregularities in and objections to such election. Such judge, on proof by affidavit that such petition or notice of it has been served on the electors signing the notice for holding the election, or a majority of them, and that the person appealing has deposited with the county clerk of the county in which such territory is located, the sum of one hundred dollars to meet the expenses of the appeal, shall appoint a day for hearing the same, not more than ten days from the day of bringing the appeal; and, on such day, on proof by affidavit that the electors signing the election notice, or a majority of them, were notified, in writing, five days before such hearing, of such hearing, shall proceed to hear the same, such judge shall have power, by subpoena, to compel the attendance of witnesses before him on such day, or on adjourned days. His decision as to the legality or illegality of such election shall be rendered within thirty days from the day of presenting the petition of appeal to him. If such decision be adverse to the prayer of such petition, he shall, within ten days from rendering such decision, by order signed by him, direct such portions as he may deem just of the one hundred dollars deposited with the county clerk, to be paid by such clerk to the persons in such order named, and the balance to the person or persons who deposited the same. If no such allowance is

Decision.

made by the county judge within the ten days above specified, then he shall direct, by order, the county clerk to return such money to the person who deposited the same with him. The allowance for expenses out of the sum deposited must be made within ten days from the decision of the judge on the appeal.

§ 3. Section twelve of title one of said act is hereby amended so as to read as follows:

§ 12. If the county judge shall decide such election to be legal, he shall file an order to that effect in the county clerk's office of the county wherein such territory is located, or in case such territory shall be located in two or more counties, with the county clerk of each of such counties, within ten days from the day of making such decision.

Order affirming election.

§ 4. Section thirteen of title one of said act is hereby amended so as to read as follows:

§ 13. If the county judge shall decide such election to have been illegal, he shall forthwith, on rendering his decision, make an order and file the same in the county clerk's office in the county in which such territory shall be, or in case such territory shall be located in two or more counties, with the county clerk of each of such counties, directing another election to be held to determine the question of the incorporation of such territory. The election so ordered shall be held on notice of such election signed by some one or more of the persons designated as inspectors of election for the previous election as to incorporation, specifying the hours of opening and closing the polls and place of holding the same, stating the proposed name of village and the amount for ordinary expenditures for the first year, and giving the verbal description provided for hereinbefore, of the bounds of such territory; such notice to be published or posted as hereinbefore provided in relation to the previous election, for at least fifteen days before the election.

County judge when to order new elections.

When and how new election held.

§ 5. Section fifteen of title one of said act is hereby amended so as to read as follows:

§ 15. If the majority of the ballots at the first election shall have on them the word "yes," and no appeal is taken from such election within the time hereinbefore specified for that purpose, then such territory shall be an incorporated village within the intent of this act from the time of the filing of the certificate of the inspectors. If the majority of the ballots cast at such election have on them the word "yes," and an appeal is taken and decided favorably to the legality of the election, then such territory shall be an incorporated village within the intent of this act from the date of the filing of the certificate of the inspectors as hereinbefore provided. If the decision on the appeal is adverse to the election, and the second election shall result in a majority of the ballots cast having thereon the word "yes," then from the date of the filing of the certificate of inspectors as hereinbefore required, of such second election, in the county clerk's office of the county where the territory is located, or in case such territory shall be located in two or more counties, with the county clerk of each of such counties, such territory shall be an incorporated village within the intent of this act. No appeal is allowed from such second election.

Territory when to become incorporated.

No appeal for second election. Jurisdiction of town justices.

§ 6. Section three of title five of said act is hereby amended so as to read as follows:

§ 3. Any justice of the peace of the town or towns in which such village shall be located, shall have jurisdiction in all criminal cases

that may arise within the bounds of the village in the county in which they severally reside, with the same powers and subject to the duties and liabilities as a justice of the peace in other cases. He shall also have jurisdiction in all actions brought to recover fines or penalties for the violation of any provision of this act, and of the rules, by-laws and ordinances of the village, or to recover any tax or assessment levied by the village, and his proceedings and judgments may be reviewed in the same manner as is or shall be provided by law in cases of judgments and proceedings of justices of the peace. Said justice shall receive the same fees and compensation as is provided by law for similar services. The fees and compensation of such justice shall be audited and paid and collected in the same manner as the fees of justices of the peace for similar services. All fines recovered by him in suits for the violation of the provisions of this act, or the by-laws, rules and ordinances of the corporation, shall be paid over to the treasurer of the village upon their receipt by such justice. In such last-mentioned suits, if judgment is entered, the said justice shall award costs including witnesses' fees and other legal disbursements, to the successful party, to the same amount as a justice of the peace could in civil actions or proceedings before him.

Fees and compensation.

Fines.

§ 7. Section four of title five of said act is hereby amended so as to read as follows:

Police constables.

His duties and powers.

Compensation.

§ 4. The person appointed police constable shall have the powers and subject to the same duties in criminal and civil cases, cognizable by such justice, as constables of towns, and shall be chief of the police force of the village, subject to the directions and orders of the president. He shall have the power, and it shall be his duty, to keep order in all public places in the village; to arrest persons concerned in riotous or noisy assemblages, or who are breaking the peace, or violating this act, or the by-laws, rules or ordinances of the village, arrest them, and forthwith convey them before the proper authority, to be dealt with according to law, and to keep and retain such persons in custody until committed or discharged. Said police constable shall have power to execute any warrant or process issued by justices of the peace of the county or counties in which such village is situated. The said police constable shall be paid for his services the same compensation, to be audited and allowed in the same manner as town constables for similar services, and also such extra annual salary as chief of police, as the board of trustees may direct.

§ 8. Section four of title seven of said act is hereby amended so as to read as follows:

Appeals to county judge.

Bond of appellant.

Stay of proceedings.

§ 4. Any person interested therein, may within twenty days after notice of the award of the jury, appeal from such award by petition to the county judge of the county where such village is situated or in case such village shall be located in two or more counties, then to the county judge of either of said counties, praying for the appointment of three commissioners residing in said county, to review said award of said jury. The person appealing shall execute a bond to the village in its corporate name in the penal sum of two hundred and fifty dollars, with two sureties who shall justify in twice the amount, conditioned for the payment of the fees of the said commissioners and costs of appeal, in case the award of the jury shall not be increased twenty dollars by said commissioners to each party appealing. Filing such bond with, and serving a copy of said petition, with a notice of the time when and place where the same will be presented to the said judge or the village clerk, shall operate as a stay of proceedings until

the decision of the commissioners thereon. All persons appealing from the award of the jury for damages, as to one single and continuous alteration or improvement, shall join in one petition, and may execute a joint and several bond in two hundred and fifty dollars, with sureties and conditioned as hereinbefore mentioned, and there shall be but one board of three commissioners appointed to review the award of such jury. At the time mentioned in the notice, and when the commissioners are appointed, any person may be heard in the matter. The said judge shall, on hearing the parties, appoint three disinterested electors as commissioners, residing in said county, but not in the village, to review the award of said jury, and determine and award the damages of the person or persons appealing. Immediate notice shall be given by some of the persons appealing to the persons designated as commissioners, and if any one declines or is disqualified, the judge shall appoint some disinterested person, an elector residing in said county but not in the village, to fill the vacancy. Said commissioners shall meet at such village within ten days after being notified of their appointment. They shall give the president of the village five days' notice of the time and place of their meeting, shall be sworn to do their duty, shall have power to compel attendance of witnesses by subpoena, shall examine the premises and hear the proofs and allegations of the parties, and shall award such damages to the parties appealing as they shall deem just. The award of the commissioners shall be signed by them and be returned to the president of the village within fifteen days after the first meeting of the commissioners, and shall be filed with the clerk. Said award shall be final and conclusive on all persons interested, and the board of trustees may thereupon take possession of the land and make the said alteration or improvement. On declaring the award the commissioners shall each be paid by the treasurer of the village, three dollars per day for their services, and the amount so paid shall be collected by suit if not otherwise paid, with other proper expenditures made by and for the village in and about such appeal, on the bond referred to in this section, given by the person or persons appealing, in case the person or persons appealing are liable to pay the costs of the appeal under the provisions of this act. In all cases of appeal under this section the judge to whom the appeal is made shall, by order, appoint guardians for any infant, lunatic or idiot interested in said proceedings.

Several appeals.

Hearing.

Commissioners to review awards.

Award.

Compensation of commissioners.

Guardians for infants, etc.

§ 9. Section seven of title eight of said act is hereby amended so as to read as follows:

§ 7. The first process in any suit brought by the village for a penalty under this act, or a rule, by-law or ordinance adopted by the board of trustees in pursuance of said act, shall be a summons or warrant. If the defendant in such action has no property, personal or real, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in the county jail of the county in which the village is situated, or in case such village shall be located in two or more counties, then in the county jail of either of said counties, for a term not exceeding ten days.

First process in suits by village.

Imprisonment.

§ 10. Section thirty-one of title eight of said act is hereby amended so as to read as follows:

§ 31. The county clerk shall record all returns of inspectors of elections for the incorporation of villages held under this act in the records for the recording of deeds, or in a book to be specially provided for that purpose, or in case such village shall be located in two or more counties, then the county clerk of either of said counties shall record

County clerk's records.

all returns of inspectors of election for the incorporation of villages held under this act in the records for the recording of deeds, or in a book to be specially provided for that purpose. For the recording of such certificates the county clerk shall be paid the fees legally chargeable for the recording of deeds.

CHAP. 61.

Society for
prevention
of horse
stealing.

AN ACT to amend chapter four hundred and thirty-eight of the laws of eighteen hundred and sixty-two, entitled "An act to provide for the formation of societies for the prevention of horse stealing."

PASSED March 18, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1862,
ch. 438.
3 Edm. 847.

SECTION 1. Section one of chapter four hundred and thirty-eight of the laws of eighteen hundred and sixty two, entitled "An act to provide for the formation of societies for the prevention of horse stealing," is hereby amended so as to read as follows:

Societies,
how organ-
ized.

§ 1. Any ten or more persons of full age, citizens of this state and of the United States, who shall desire to associate themselves into a society for the prevention of stealing of horses, wagons, sleighs, harness, robes, by the employment of post-olmen, riders and messengers, and the use of all other lawful means to prevent the same, may make, sign and acknowledge before any officer authorized to take the acknowledgment of deeds in this state, and file the same in the office of the secretary of state, and a duplicate thereof in the office of the clerk of the county in which the business of said society is to be conducted, a certificate in writing, in which shall be stated the name or title by which such society shall be known in law, the particular business and objects of such society, the number of trustees, directors or managers to manage the same, and the names of the trustees, directors or managers of such society for the first year of its existence; but such certificate shall not be filed unless by the written consent and approbation of one of the justices of the supreme court of the district in which the place of business of such company or association shall be located be indorsed on such certificate.

§ 2. This act shall take effect immediately.

See, also, Laws 1878, ch. 320, post, p. 565.

CHAP. 72.

AN ACT to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-two, entitled "An act to reorganize the state asylum for idiots, and to provide for the government and management thereof." State Asylum for Idiots.

PASSED March 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eighteen of chapter two hundred and twenty of the laws of eighteen hundred and sixty-two, entitled "An act to reorganize the state asylum for idiots, and to provide for the government and management thereof," is hereby amended so as to read as follows : Amending Laws 1862, ch. 220. 4 Edm. 37.

§ 18. There shall be received and supported gratuitously in the asylum one hundred and twenty pupils, to be selected in equal numbers, as near as may be, from each judicial district, from those whose parents or guardians are unable to provide for their support therein, to be designated as state pupils; and such additional number of idiots as can be conveniently accommodated may be received into the asylum by the trustees, on such terms as may be just. But no idiot shall be received into the asylum without there shall have been first lodged with the superintendent thereof a request to that effect, under the hand of the person by whose direction he is sent, stating the age and place of nativity, if known, of the idiot, his christian and surname, the town or city and county in which they severally reside; the ability or otherwise of the idiot, his parents or guardians, to provide for his support in whole or in part, and if in part only, then what part; and the degree of relationship, or other circumstance of connection between him and the person requesting his admission; which statement shall be verified in writing, by the oath of two disinterested persons, residents of the same county with the idiot, acquainted with the facts and circumstances so stated, and certified to be credible by the county judge of the same county. And no idiot shall be received into said asylum unless the county judge of the county liable for his support shall certify that such idiot is an eligible and proper candidate for admission to said asylum as aforesaid, provided, however, that idiots may be received into said asylum upon the application therefor signed officially by any county superintendent of the poor or by the commissioners of charity of any of the cities of this state, where such commissioners exist. Charity pupils.

Manner of receiving pupils.

§ 2. This act shall take effect immediately.

CHAP. 75.

Municipal
indebted-
ness.

AN ACT in relation to the bonded indebtedness of villages, cities, towns and counties.

PASSED March 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bonds may
be paid.
Amended
1878, ch. 317,
post, p. 622,
and 1880,
ch. 12,
post, p.

SECTION 1. The present bonded indebtedness of any village, city, town or county, may be paid up or retired by the issuance of bonds of the same amount by the constituted and statutory authorities having charge and power by law over the interests of the bond payers, provided, however, and only when such existing bonds can be retired or paid by the substitution of or money realized by such issuance of new bonds in the place and stead of existing bonds bearing a lower rate of interest than the bonds so authorized to be retired or paid.

Novation
of bonds.
Amended
by ch. 317,
post, p.

§ 2. In case any holders of any such existing bonds shall be willing to surrender bonds of any village, city, town or county, and accept in their place and stead other bonds at a lower rate of interest, exchanging said existing bonds for such new bonds at the par value of each, then the constituted and statutory authorities of any such village, city, town or county, prescribed in the first section of this act, may, in their discretion, make such exchange by the retiring of such existing bonds and the substitution and issuance therefor of such new bonds, and may extend the date of the payment of such substituted bond for a period not exceeding twenty years beyond the time when the principal of such existing bond so surrendered would have become payable.

New
bonds.
Amended
by ch. 317,
post, p. 622.

§ 3. Whenever any bonds of any village, city, town or county shall become due and payable, or in anticipation thereof, the constituted and statutory authorities having the power by law over the interests of the bond payers may, in their discretion, cause to be issued in proper form new bonds having not more than thirty years to run, provided, however, such new bonds shall be sold at public auction after due notice, as now required by law in the case of the sale of mortgaged real estate under a decree of foreclosure in the supreme court, and the terms of such sale of said bonds, shall be that to the person bidding the highest sum, not less than par, and offering to accept the lowest rate of interest for the whole or any part of said bonds, the said bonds in whole or part shall be issued, and further provided, that in no case shall new bonds be sold except at a lower rate of interest than that borne by the bonds then due and payable; such new bonds shall bear date and draw interest from the date of the payment of the bonds then due.

Sale of.

Date of
bonds.

Applica-
tion of
moneys.

§ 4. The moneys arising from the sale of new bonds as provided in the foregoing section, shall be applied to the payment and satisfaction of the bonds then becoming due and payable.

Payments.

§ 5. The principal of all bonds authorized to be issued pursuant to the provisions of this act may be made payable in installments yearly, or in periods of years not extending beyond the limit herein made, as shall be determined by the authorities hereby empowered to issue them, but nothing in this act contained shall be so construed as to permit any village, city, town or county in this state to increase its present bonded indebtedness.

Increase
of indebt-
edness not
author-
ized.

§ 6. The city and county of New York, the city of Brooklyn and the county of Niagara shall be exempt from the provisions of this act.

Exemptions.

§ 7. This act shall take effect immediately.

Sec. 6 amended by chap. 204, L. 1880, *post*, p. 948.

CHAP. 77.

AN ACT to amend subdivision four of section one of chapter two hundred and fifty-seven of the laws of eighteen hundred and seventy-six, entitled An act to confer on boards of supervisors further powers of local legislation and administration and to regulate the compensation of supervisors.*

Board of supervisors.

PASSED March 25, 1878; three-fifths being present.

SECTION 1. Subdivision four of section one of chapter two hundred and fifty-seven of the laws of eighteen hundred seventy-six, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors,*" is hereby amended so as to read as follows:

Amending Laws 1876, ch. 257, ante, p. 234.

4. To apportion as such board may deem equitable the expense of the construction of any public bridge (except on the Hudson river below Waterford, and on the East river, or over the waters forming the boundaries of the State) over a stream or other water forming the boundary line of counties between the towns at such point. Where the board of supervisors shall deem that the construction of such bridge is a general benefit to the county, they shall determine what apportion of the expense thereof shall be borne by the respective counties or by the respective towns of such counties, and to authorize any town on the vote of the majority of the electors voting at any annual town meeting or regular called special town meeting, to appropriate such a sum to be raised as other bridge moneys are raised, to aid in the construction and maintenance of any bridge outside the boundaries of the town or county, but forming a continuation of highways leading from such town or county, and deemed necessary for the public convenience.

To apportion expenses of bridges between towns and counties.

§ 2. This act shall take effect immediately.

* So in the original.

CHAP. 85.

Co-operative
and
industrial
unions.

AN ACT to amend chapter nine hundred and seventy-one of the laws of eighteen hundred and sixty-seven, entitled "An act for the incorporation of co-operative and industrial unions," and to amend the title of said act.

PASSED March 29, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws 1867,
ch. 971.
7 Edm. 242.

SECTION 1. Section two of chapter nine hundred and seventy-one of the laws of eighteen hundred and sixty-seven, entitled "An act for the incorporation of co-operative and industrial unions," is hereby amended so as to read as follows:

Charter,
what to
contain.

§ 2. The charter so filed shall set forth the name of the company, the town and county, the mode and manner in which the corporate powers granted by this act, are to be exercised, the duration of the charter which shall not exceed twenty-five years, the number of trustees or directors, and the mode and manner of electing them for the first year, and of filling vacancies, the period for the commencement and termination of its fiscal year, and the amount of capital to be employed in the transaction of its business; but no company shall be organized under this act with a capital of less than one thousand dollars, nor shall the declaration or charter of any company proposed to be formed be filed as required by the first section of this act except upon due and sufficient proof to be made to the secretary of state, upon the oath of at least two of the incorporators, that the whole amount of said capital has been subscribed in good faith and at least ten per cent thereof actually paid in, in cash.

Capital.

President
and direc-
tors.

§ 2. Section five of said act is hereby amended so as to read as follows:

Election.

Name.

§ 5. The business of the companies incorporated under this act shall be managed and conducted by a president, a board of not less than three directors and a treasurer, who shall be chosen annually by the stockholders, and shall hold their offices until others are chosen and qualified in their stead, and by such other officers as they may prescribe by their by-laws. At elections of officers, and at all other meetings each stockholder shall have one vote and no more. Companies organized under this act shall have the word "co-operative," as a part of their corporate or business name wherever used, either in advertising or transacting their business.

§ 3. Section six of said act is hereby amended so as to read as follows:

By laws.

§ 6. The corporators or trustees or directors, as the case may be, of any company organized under this act, shall have power to make such by-laws, not inconsistent with the laws of this state, as may be deemed necessary for the government of its officers and the conducting of its affairs, and the same to alter and amend at pleasure; and they may also, by such by-laws, provide as to the manner of paying in the capital stock, and the manner of issuing certificates thereof, as to the manner of conducting the elections in said company, as to the control of its affairs that each officer shall have, as to the number of shares each stockholder may hold, as to the manner of compelling the transfer or exchange of stock any one stockholder may acquire, in excess of such number of shares, as to the manner of distributing

the profits, and in such proportion as may be thought proper, upon the labor and patronage in the business of said company; as to the amount and time for which debts may be contracted, and as to the time and manner in which the trustees or directors shall make reports, and render accounts, as to the condition of the company and its affairs. But every such company shall at the beginning of each fiscal year, fix and determine the maximum per cent of dividend which may be apportioned upon the stock out of the profits which may accrue during the year. Dividends.

§ 4. The title of said act is hereby amended so as to read "An act incorporating co-operative companies." Title of act.

§ 5. All acts or parts of acts so far as they are in conflict herewith are hereby repealed.

CHAP. 94.

AN ACT to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers." County Treasurers Act.

PASSED March 30, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers," is hereby amended so as to read as follows: Amending Laws 1877, ch. 436, ante, p. 454.

§ 10. Nothing herein contained shall apply to the counties of Sullivan, Putnam, Greene, Monroe, Onondaga, Columbia and Seneca.

§ 2. This act shall take effect immediately.

See chaps. 23 and 159, L. 1879, and chaps. 233 and 580, L. 1880, *post*.

CHAP. 96.

AN ACT to amend section three of chapter five hundred and sixty-four of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter one hundred and twenty-two of the laws of eighteen hundred and fifty-one, entitled 'An act for the incorporation of building, mutual loan and accumulating fund associations,'" passed June ninth, eighteen hundred and seventy-five. Building and loan associations.

PASSED April 1, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter five hundred and sixty-four of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter one hundred and twenty-two of the laws of eighteen hundred and fifty-one, entitled 'An act for the incorporation of building, mutual loan and accumulating fund associations,'" passed June ninth, eighteen hundred and seventy-five, is hereby amended so as to read as follows: Amending Laws 1875, ch. 564, ante, p. 126.

§ 3. Whenever the stockholders of any corporation organized under the provisions of this act shall deem that a personal examination by said superintendent of the affairs of said corporation is desirable or necessary, it shall be the duty of said superintendent, on the request in writing, signed by not less than five of the stockholders of said corporation, that such examination be made, either by himself or by some person duly appointed by him for that purpose, make a full and careful examination of the affairs of said corporation and make his report thereon as herein provided. The person making such examination shall have power to administer oaths and take all testimony by him deemed necessary and proper, and to compel the attendance of witnesses and Examination of affairs of corporations.

the production of books and papers, by like process and in the same manner as now provided by law to procure the attendance of witnesses and the production of books and papers in the courts of record in this state. The expense of such examination shall be borne by said corporation, but no charge shall be made therefor, when the examination is made by said superintendent personally or by one of the salaried employes of his department, except for necessary traveling and other expenses; whenever said superintendent shall appoint any person other than a salaried officer in his department to make such examination, the amount charged therefor shall not exceed the sum of ten dollars per day for the time actually expended in making the same, and the actual and necessary expenses as hereinbefore provided.

§ 2. This act shall take effect immediately.

CHAP. 98.

Fire insurance companies.

AN ACT to authorize the merging of corporations organized under the act entitled "An act to provide for the incorporation of fire insurance companies," passed June twenty-fifth, eighteen hundred and fifty-three, and of the acts amending or extending the same.

Passed April 1, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Merger of corporations. See 4 Edm. 226.

SECTION 1. Any two corporations heretofore, or that may hereafter be organized under the act entitled "An act to provide for the incorporation of fire insurance companies, passed June twenty-fifth, eighteen hundred and fifty-three, or of the acts amending or extending the same, are hereby authorized to merge one of such companies into the other of them in manner following: The directors of any two such corporations may enter into and make an agreement under their respective corporate seals, for the merger of one of said companies into the other of them, prescribing the terms and conditions thereof; the mode of carrying the same into effect; the amount of capital and number of shares of the stock into which the same is to be divided, which capital shall not be larger in amount than the aggregate amount of capital of the two companies, with such other particulars as they may deem necessary, not inconsistent with the provisions of the said last named act, and the acts amending and extending the same; and which agreement shall be subject to the approval of the superintendent of the insurance department.

Ratification by directors and stockholders.

§ 2. Such agreement of the directors shall not be deemed to be the agreement of the said corporations so proposing to merge one into the other, unless assented to by a majority of the number of directors of each one of said corporations prescribed by the charters of said two corporations, until the assent of one-half of the stockholders owning two-thirds of the stock of each of said companies so proposing to become merged into one, be obtained. And when such agreement of the directors has been sanctioned and approved by one-half of the stockholders of each of said companies, owners of two-thirds of the stock

thereof, in the manner hereinbefore prescribed, then such agreement of the directors shall be deemed to be the agreement of the said corporations; and such assent in writing, or a duplicate thereof attached to the said agreement, shall be evidence of the assent of such stockholders.

§ 3. Upon the making, sanctioning and approving of the said agreement in the preceding sections mentioned in the manner therein required, and the filing of the duplicates, or counterparts thereof, and of the assent in writing mentioned in the preceding section, with the approval of said superintendent, in the office of the clerk of the county where the principal office of said corporation is located, and in the office of the superintendent of the insurance department; then and immediately thereafter the said corporations shall be merged in the corporation provided for in said agreement, and the details of such agreement shall be carried into effect as provided therein, and it shall be lawful for said corporation to require the return of the original certificates of stock held by each stockholder in each of the companies, and in lieu thereof to issue new certificates for such number of shares of its own stock as the said stockholders may be entitled to receive.

When merger effected.

Return of original certificates of stock.

§ 4. Upon the merger of any corporation in the manner herein provided, all and singular the rights, franchises and interests of the said corporation so merged, in and to every species of property, real, personal and mixed, and things in action thereunto belonging, shall be deemed to be transferred to, and vested in such corporation, as the other of them has become merged, without any other deed or transfer; and said last named corporation shall hold and enjoy the same, and all rights of property, franchises and interests, in the same manner, and to the same extent, as if the said corporation so merged should have continued to retain the title and transact the business of such corporation; and the title and real estate acquired by the said corporation so merged shall not be deemed to revert by means of such merger, or any thing relating thereto.

Effect of merger.

§ 5. The rights of creditors of any corporation that shall be so merged shall not in any manner be impaired by any such merger, nor shall any liability or obligation for the payment of any money now due, or hereafter to become due, to any person or persons, or any claim or demand in any manner, or for any cause existing against any such corporation, or against any stockholder thereof, be in any manner released or impaired, but such corporation into which the other shall become merged, is declared to succeed to such obligations and liabilities, and to be held liable to pay and discharge all such debts and liabilities of the merged corporation in the same manner as if such corporation into which the other shall become merged had itself incurred the obligation or liability to pay such debt or damages, and the stockholders of the respective corporations, so entering into such agreement, shall continue subject to all the liabilities, claims and demands existing against them as such at or before such merger, and no suit, action or other proceeding then pending before any court, or tribunal in which any corporation that may be so merged is a party shall be deemed to have abated or discontinued by reason of any such merger, but the same may be prosecuted to final judgment in the same manner as if the said corporations had not entered into the said agreement; or the said last named corporation may be substituted in the place of any corporation so merged as aforesaid, by order of the court in which such action, suit or proceeding may be pending.

Rights of creditors.

Liabilities.

Pending suits.

§ 6. This act shall take effect immediately.

CHAP. 99.Banks and
bankers.

AN ACT to repeal chapter two hundred and fifty of the laws of eighteen hundred and fifty-three, entitled "An act relating to incorporated banks, banking associations and individual bankers located in the city of New York."

PASSED April 2, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Repealing
Laws 1853,
ch. 250.
4 Edm. 176.

SECTION 1. Chapter two hundred and fifty of the laws of eighteen hundred and fifty-three, entitled "An act relating to incorporated banks, banking associations and individual bankers located in the city of New York," passed April fifteen, eighteen hundred and fifty-three, is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 107.

AN ACT requiring justices of the peace to give bonds.

PASSED April 4, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Justices of
peace to
give bonds.
Amended
1878, ch. 387
post, p. 659.

SECTION 1. Every justice of the peace elected or appointed in any of the towns or cities of this state shall, before he enters upon the duties of his office, execute an instrument in writing with two sureties, to be approved by the supervisor of the town, or the common council of the city in which such justice shall reside, conditioned that he will pay over on demand to the officer, person or persons entitled to the same, all moneys received by him in virtue of his office, and previous to entering upon the discharge of his official duties, shall file the said instrument in the office of the clerk of the city or town in which he shall reside.

Justices
now in
office.

§ 2. Every such justice now in office shall, within sixty days after written notice by the county clerk, of the passage of this act, execute and file the bond or instrument required in the first section hereof.

In cities.

§ 3. This act shall not apply to the city and county of New York, or to those cities whose charters require these officers to give such bonds.

§ 4. Within twenty days after the passage of this act, the secretary of state shall send printed copies of this act to each county clerk in this state who within twenty days from the receipt of such notice, shall make the service required in section two hereof.

Distribu-
tion of act.

§ 5. This act shall take effect immediately.

See chs. 201 and 360, L. 1879, *post*, pp. 728 and 772, and chs. 231 and 341, L. 1880, *post*, pp. 953 and 989.

CHAP. 109.

AN ACT to amend chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors and the acts amendatory thereof."

Intoxicat-
ing liq-
uors.

PASSED April 4, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-two of chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven, entitled "An act to suppress intemperance, and to regulate the sale of intoxicating liquors," is hereby amended so as to read as follows:

Amending
Laws 1857,
ch. 628.
4 Edm. 63.

§ 22. The penalties imposed by this act, except the penalties provided for by sections fifteen and nineteen, shall be sued for, and recovered by and in the name of the overseers of the poor of the town or city in which the alleged penalty is incurred, except in such towns or cities as have no overseers of the poor, in which case said penalties shall be sued for, and recovered by and in the name of the board of commissioners of excise of the town or city aforesaid and paid over to the treasury of the county for the support of the poor of the town or city in which such penalty was incurred except that in counties where there is no distinction between town and county poor, then for the poor of such county, within thirty days after receipt of the same by such commissioners, overseers or their attorneys.

Penalties,
how re-
covered.

§ 2. This act shall take effect immediately.

CHAP. 112.

Orphan
asylums.

AN ACT to amend chapter one hundred and fifty-nine of the laws of eighteen hundred and fifty-five, entitled "An act to allow the trustees, directors or managers of incorporated asylums to bind out orphans or indigent children surrendered to their care."

PASSED April 6, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1855,
ch. 159
4 Edm. 12.

SECTION 1. Section one of chapter one hundred and fifty-nine of the laws of eighteen hundred and fifty-five, entitled "An act to allow the trustees, directors or managers of incorporated asylums to bind out orphans or indigent children surrendered to their care," is hereby amended so as to read as follows:

Binding
out or-
phans, etc.

§ 1. The trustees, directors or managers of any incorporated orphan asylum (or other incorporated institution for the care of friendless children) may bind out any orphan or indigent child, if a male, under the age of twenty-one years, or, if a female, under the age of eighteen years, which has been or shall be surrendered to the care and custody of said society by the parent or guardian thereof (or which has been left to its care with no provision for its support, for the space of one year), or placed therein by the superintendent of the poor of the county, or the overseers of the poor, or board of charities of any city or town in the county within which said asylum is located, to be clerks, apprentices or servants, until such child, if a male, shall be twenty-one years old, or, if a female, shall be eighteen years old, which binding shall be as effectual as if such child had bound himself with the consent of his father.

§ 2. Section two of the said act is hereby amended so as to read as follows:

Guardians
for the
purpose of
surrender.

§ 2. In case of the death of the father of any indigent child, or in case the father shall have abandoned his family or neglected to provide for them (during a period of six months), the mother shall be guardian of said child for the purpose of surrendering the said child to the care and custody of said society; and in case of the death of both parents, the mayor of the city, or county judge of the county within which the said asylum may be located, shall be, ex-officio, the guardian of said child for the purpose of enabling said trustees, managers or directors to bind out such child, but this act shall not apply to cases where testamentary guardians have been appointed by either parent.

Adoption,
etc., in
New York
city.

§ 3. When a child or children shall have been placed under the care and custody of any incorporated charitable institution, and supported in part or in whole by the city of New York, by taxes imposed for that purpose, shall be considered as deserted, then if no inquiry has been made about their welfare and no board has been paid by parents or guardian for the space of one year, any judge of a court of record, in the county where such child or children may be taken care of, is authorized and empowered, on application of the charitable institution having the charge of such child or children, to order their adoption by suitable persons named by said institution, or their transfer to any incorporated non-sectarian institution or

society to be selected by parties or persons seeking homes or occupation for children, if said societies shall consent to receive them; and the said named societies, when consenting to receive such child or children, may bind out such child or children as set forth in sections one and two of this act.

§ 4. This act shall take effect immediately.

CHAP. 114.

AN ACT to amend chapter sixty-nine of the Laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to give notice of the discontinuance of public highways." Highways.

PASSED April 6, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of chapter sixty-nine of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to give notice of the discontinuance of public highways," is hereby amended so as to read as follows: Amending
Laws 1873,
ch. 69.
9 Edm. 574.

§ 1. Upon application being made according to law to the commissioners of highways of any town, for the discontinuance of any public highway therein, it shall be the duty of such commissioners to give to all owners and occupants residing upon lands through or along which the highway described in said application passes, six days' notice in writing of the time and place of the meeting of the jury of freeholders to certify to the uselessness of said highway, which notice shall contain the name of the applicant, and a brief description of the highway described in the application. And in case such jury shall certify that said highway is useless and unnecessary, then it shall be the duty of such commissioners to give to such owners and occupants six days' notice in writing of the time and place of the meeting of such commissioners to hear and determine such application. The notices required by this act shall be served by delivering the same to such owner or occupant, or, if he be absent, by leaving them at his dwelling house, and in either case at least six days before the time of meeting of which notice is given. Discontin-
uance of
highways.

Power of Commissioners to discontinue old highways (1 R. S. 502, § 2). *People v. Puts,* 18 How. Pr. 70; 51 N. Y. 470; 63 id. 306; 67 id. 52.

CHAP. 121.

Plank-road and turnpike companies.

AN ACT to amend chapter one hundred and thirty-five, laws of eighteen hundred and seventy-six, entitled "An act to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled "An act to provide* for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporate existence."

PASSED April 9, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending Laws 1876, ch. 135, ante, p. 287.

SECTION 1. Section one of chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-six entitled "An act to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled "An act to provide for the incorporation of companies to construct turnpike roads, passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporate existence, is hereby amended so as to read as follows :

Corporate existence, how continued.

§ 1. Any plank-road company or turnpike company which shall have been formed under and by virtue of an act entitled "An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof, and which shall have managed and carried on any plank-road or turnpike road for twenty years last past upon three miles in length thereof, or not less than one-third of the route named in their original articles of association, may at any time within five years before the termination of the time specified for its duration in its articles of association, continue its corporate existence for a period not exceeding thirty years by first obtaining the consent, by resolution, of a majority of all the members of the board of supervisors of the county or counties in which any such road is located, adopted at any regular or special meeting thereof, and by filing and recording in the office of the clerk of the county or counties in which such plank-road or turnpike road is located, within one month before the expiration of the term of the corporate existence of such company, and in the office of the Secretary of State such consent and a statement showing the actual capital expended in the construct of any such plank-road or turnpike road, exclusive of repairs, together with the consent, in writing, from the persons owning two-thirds of the capital stock of such company, and in which shall also be stated the number of years which they shall desire such corporate existence extended ; also the name of each town or ward through or into which the said road passes. Such statement shall be made by the president and treasurer of such company, and they shall annex or indorse thereon their affidavits of the above requirements.

§ 2. This act shall take effect immediately.

Amended by chaps. 253 and 441, Laws 1879, post, pp. 741, 796.

CHAP. 125.

AN ACT relating to contracts for lighting the public lamps in the city of New York.

PASSED April 11, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board authorized to make and enter into contracts for lighting the streets, avenues and places of the city of New York with gas, consisting of the mayor, comptroller and commissioner of public works, is hereby authorized and empowered to contract for such lighting the public lamps with gas or other illuminating material in said city by one or more contracts, to be let at public lettings, as provided by law, for a period of one year, or any part of a year, and commencing and terminating at any dates the said board may determine. Contracts for lighting city.

§ 2. All acts or parts of acts inconsistent with the provisions of this Repeal act are hereby repealed.

§ 3. This act shall take effect immediately.

Amended by ch. 478, L. 1879, *post*, p. 803.

CHAP. 129.

AN ACT to amend chapter eighty-two of the laws of eighteen hundred and fifty, entitled 'An act for the protection of purchasers of real estate upon sales made by order of surrogates' and all acts amendatory thereof and supplementary thereto so as to apply the provisions of said act to mortgages and leases, made by the order of surrogates. Surrogate's sales of real estate.

PASSED April 12, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter eighty-two of the laws of eighteen hundred and fifty entitled "An act for the protection of purchasers of Amending Laws 1850, ch. 82.
4 Edm. 506

*So in the original.

real estate upon sales made by order of surrogates" is hereby amended so as to read as follows :

Sales, etc.,
made by
order of
surrogate.

§ 1. Every mortgage, lease or sale, heretofore made or hereafter to be made, under any of the provisions of the fourth title of chapter six of the second part of the revised statutes, and of the acts amending the same or in addition thereto, shall be deemed and held to be as valid and effectual as if made by order of a court having original general jurisdiction ; and the title of any purchaser at any such sale, made in good faith, and the validity of any such mortgage or lease shall not be impeached or invalidated by reason of any omission, error, defect or irregularity in the proceedings before the surrogate, or by an allegation of want of jurisdiction on the part of such surrogate, except in the manner and for the causes that the same could be impeached or invalidated in case such mortgage, lease or sale had been made pursuant to the order of a court of original general jurisdiction.

§ 2. Section two of said act is hereby amended so as to read as follows :

Titles not
invalidated
for defects in
petition.

§ 2. No such mortgage, lease, or sale under any of the provisions of the fourth title of chapter sixth of part second of the revised statutes, and of the acts amending the same, or in addition thereto, shall be invalidated, nor in any wise impeached for any omission or defect in any petition of any executor or administrator under the provisions of said title and acts amending the same, provided such petition shall substantially show that an inventory has been filed, and that there are debts, or is a debt, which the personal estate is insufficient to discharge, and that recourse is necessary to the real estate (or some of it) whereof the decedent died seized.

§ 3. Section three of said act as amended by chapter two hundred and sixty of the laws of eighteen hundred and sixty-nine, and chapter ninety-two of the laws of eighteen hundred and seventy-two, is hereby further amended so as to read as follows :

When
sales by
order of
surrogates
not to be
invalidated
for certain
irregularities.

§ 3. Nor shall any such mortgage, lease, or sale be invalidated nor in any wise impeached, by reason that any such petition was or shall be presented by less than the whole number of executors or of administrators ; nor by reason that, after the filing of any such petition, any bond required by law has been, or shall be, given by less than the whole number of the executors or administrators petitioning ; nor by reason that an inventory of the testators or intestate's estate has been or shall be made and filed by less than the whole number of the executors or administrators nor by reason than any further or other proceeding, notice, sale, deed, or return has been, or shall be had or made, by less than the whole number of executors or administrators petitioning ; nor by reason of any omission to serve upon any minor, heir, or devisee, personally, or by publication, a copy of the order to show cause required by the fifth section of the fourth title of chapter six, part second of the revised statutes ; provided such order shall have been duly served on the general guardian of the minor, or the guardian appointed in such proceeding ; nor by reason of any irregularity in any matter or proceeding after the presenting of any petition and the giving notice of the order to show cause why the authority or direction applied for should not be granted, and before the order confirming such sale ; nor after a lapse of five years from the time of such sale, where the notice of such sale has been published for six weeks successively before the day of such sale, although such publication may not have been for the full period of forty-two days ; and in all cases where the records of the office of the surrogate, before whom such proceedings

were taken, have been removed from the house, office or other building in which such proceedings were taken, to another house, office or other building, after such proceedings were taken, and the full period of twenty-five years has elapsed since said sale, it shall be presumed that guardians have been duly appointed for all minors, heirs or devisees, of the real estate sought to be mortgaged, leased or sold in such proceeding, such presumption to be rebutted only by record evidence in such office showing affirmatively that such guardian or guardians were not appointed; provided that nothing in this act contained shall be construed to affect in any manner any suit or proceeding already commenced for the recovery of any lands or the proceeds thereof, sold under or by virtue of any order of any surrogate's court, and provided also that nothing in this act contained shall be construed to affect in any manner any suit or proceeding already commenced to foreclose such mortgage, or any suit or proceeding already commenced in which the validity of such lease shall or may come in question.

§ 4. Section four of said act is hereby amended so as to read as follows:

§ 4. This act shall not be construed as authorizing any surrogate, or officer performing the duties of the office of surrogate, to make any order for the mortgage, lease, or sale of the real property of a deceased person, or to confirm any such sale, unless upon a due examination he shall be satisfied that the provisions of said title have been complied with as if this act had not been passed.

When sales, etc., not to be ordered.

§ 5. This act shall take effect immediately.

Repealed by chap. 245, L. 1880. See Code Civ. Proc., §§ 2784-5.

CHAP. 132.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

Supervisors.

PASSED April 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision twenty-five of section one of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration and to regulate the compensation of supervisors," is hereby amended so as to read as follows:

Amending Laws 1875, ch. 482, ante, p. 156.

25. To authorize any town which shall make application therefor, by the vote of an annual town meeting, to elect a tax receiver in place of a collector, to prescribe the mode of the collection of taxes, the security to be given, and the commission or other compensation to be allowed to such tax receiver for his services.

May authorize election of tax receiver, etc.

§ 2. This act shall take effect immediately.

CHAP. 134.

Diseases
of animals.

AN ACT in relation to infectious and contagious diseases of animals.

PASSED April 15, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Governor
to sup-
press.

SECTION 1. Whenever any infectious or contagious disease affecting domestic animals shall be brought into or shall break out in this state, it shall be the duty of the governor to take measures to suppress the same promptly, and to prevent the same from spreading.

Powers
of the
governor
in relation
thereto.

§ 2. For such purpose the governor shall have power :

To issue his proclamation, stating that infectious or contagious disease exists in any county or counties of the state, and warning all persons to seclude all animals in their possession that are affected with such disease or have been exposed to the infection or contagion thereof, and ordering all persons to take such precautions against the spreading of such disease as the nature thereof may in his judgment render necessary or expedient.

To quar-
antine
farms.

To order that any premises, farm or farms where such disease exists or has existed be put in quarantine, so that no domestic animal be removed from or brought to the premises or places so quarantined, and to prescribe such regulations as he may judge necessary or expedient to prevent infection or contagion being communicated in any way from the places so quarantined.

To call on
sheriffs.

To call upon all sheriffs and deputy sheriffs to carry out and enforce the provisions of such proclamations, orders and regulations, and it shall be the duty of all sheriffs and deputy sheriffs to obey and observe all orders and instructions which they may receive from the governor in the premises.

To employ
veterinary
surgeons.

To employ such and so many medical and veterinary practitioners and such other persons as he may from time to time deem necessary to assist him in performing his duty as set forth in the first section of this act, and to fix their compensation.

To order
detention
of ani-
mals.

To order all or any animals coming into the state to be detained at any place or places for the purpose of inspection and examination.

To pre-
scribe the
destruction
and disposi-
tion of
diseased
animals.

To prescribe regulations for the destruction of animals affected with infectious or contagious disease, and for the proper disposition of their hides and carcasses, and of all objects which might convey infection or contagion, provided that no animal shall be destroyed unless first examined by a medical or veterinary practitioner in the employ of the governor as aforesaid.

As to disin-
fection of
premises.

To prescribe regulations for the disinfection of all premises, buildings and railway cars, and of all objects from or by which infection or contagion may take place or be conveyed.

To alter
orders and
regulations.

To alter and modify from time to time, as he may deem expedient, the terms of all such proclamations, orders and regulations, and to cancel or withdraw the same at any time.

Penalty
for violat-
ing orders
and regu-
lations.

§ 3. Any person transgressing the terms of any proclamation, order or regulation issued or prescribed by the governor under authority of this act, shall be guilty of a misdemeanor.

§ 4. All expenses incurred by the governor in carrying out the provisions of this act, and in performing the duty hereby devolved upon him, shall be audited by the comptroller as extraordinary expenses of the executive department, and shall be paid out of any moneys in the treasury not otherwise appropriated. Expense.

See L. 1879, ch. 806, *post*, p. 761.

CHAP. 138.

AN ACT to amend chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, entitled "An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein," passed May twenty-eighth, eighteen hundred and seventy-five. Fire insurance companies.

PASSED April 15, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, entitled "An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the state of New York but doing business therein," is hereby amended so as to read as follows: Amending Laws 1875, ch. 485, ante, p. 154.

§ 3. Every person who shall effect, agree to effect, promise or procure any insurance specified in the preceding section of this act, without having executed and delivered the bond required by the preceding sections, shall for each offense forfeit two hundred dollars, for the use and benefit of the fire department of such city and village; such penalty of two hundred dollars shall be collected by and in the name of the fire department of the city or village in which the property insured or agreed to be insured is situate. And the treasurer or chief financial officer of any city or incorporated village, having no incorporated fire department or incorporated fireman's relief or benevolent society, receiving any money under the provisions of chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, as amended by chapter three hundred and fifty-nine of the laws of eighteen hundred and seventy-six, shall on or before the fifteenth day of November, in each year, apportion and pay over all such moneys so received to the treasurers of the several fire companies as are duly recognized by the common council or trustees of such city or village. And if he shall neglect or refuse to perform any or all of the duties required by this act, he shall be subject to a penalty of two hundred dollars for such neglect or refusal; and the foreman of any fire company shall be entitled to and may maintain an action and sue for, in the name of and for the benefit of such fire company, any of the proportion of penalties prescribed by this act; and premiums or penalties to which such company may be Penalty for transacting insurance business without having given bond required.

When money to be paid over to fire companies.

Failure to pay over.

entitled, under chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, as amended by chapter three hundred and fifty-nine of the laws of eighteen hundred and seventy-six.

§ 2. This act shall take effect immediately.

New, all but first sentence. See the acts amended, *ante*, pp. 154, 313.

Amended by L. 1879, ch. 153, *post*, p. 719.

CHAP. 148.

AN ACT authorizing the construction and management of a railroad from Lake Champlain to Dannemora prison.

PASSED April 19, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Superintendent of state prisons to construct railroad from Clinton prison to Plattsburgh.

SECTION 1. The superintendent of state prisons is hereby authorized and empowered to survey, locate and construct a railroad from a point at or near the Clinton state prison at Dannemora, in the county of Clinton, to a point in the town of Plattsburgh at or near the waters of Lake Champlain, of the gauge of not more than three feet and six inches, nor less than thirty inches, within the rails, for public use in the transportation of persons and property, and, to such extent as deemed advisable, to employ such labor in the grading, bridging and constructing of said road, and in the manufacture of spikes, chairs and such other material necessary in the construction of said road, and in such way as the same may be employed with due economy to the interest of the state. The said superintendent of prisons is also authorized and empowered to use timber or other materials from the lands belonging to the state in the construction of said road, and of the bridges and superstructure thereof, and in the repair thereof.

Land, how acquired.

§ 2. In case the said superintendent of state prisons shall be unable to agree for any real estate required for the purpose of said road, such title may be acquired on a petition by said superintendent in the manner provided by an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof, for acquiring title to land for railroad purposes, except that, in any petition therefor, no averment of subscription to stock, or the filing of any map shall be required.

Contributions.

§ 3. The said superintendent of state prisons is hereby authorized and empowered to receive contributions of property, money or labor, or land, for the right of way or depot ground, and any property, money or labor so contributed shall be applied and expended in the construction of said road.

Lease of road.

§ 4. Said superintendent is also authorized and empowered, upon the completion or partial completion of said road, to lease said road for such term of years and upon such terms and conditions as shall be approved of, in writing, by the governor and comptroller of this state.

Appropriation.

§ 5. The sum of eighty thousand dollars, or so much thereof as may be necessary for that purpose, is hereby appropriated and authorized to be paid to the said superintendent of state prisons by the state treasurer, upon the warrant of the comptroller, to be expended in the survey, location and right of way of said road, and in its construction, provided and on condition that the cost of said road shall not exceed said sum in addition to the convict labor laid out thereon.

§ 6. This act shall take effect immediately.

CHAP. 152.

AN ACT further to amend section two of title two of chapter thirteen of part one of the revised statutes, entitled "Of the assessment and collection of taxes," and to amend chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, entitled "An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes."

Of the assessment and collection of taxes.

PASSED April 20, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of title two of chapter thirteen of part one of the revised statutes, as amended by chapter one hundred and seventy-six of the laws of eighteen hundred and fifty-one, is hereby amended so as to read as follows :

Amending
1 R. S. 389.
1 Edm. 361.

§ 2. Lands occupied by a person other than the owner, may be assessed to the occupant, as lands of non-residents, or, if the owner resides in the county in which such lands are located, to such owner.

Land
where
taxed.

See *Whitney v. Thomas*, 23 N. Y. 285 ; *Newman v. Supervisors*, 45 id. 676 ; *Coleman v. Shattuck*, 62 id. 348, affirming 5 T. & C. 24 ; 2 Hun, 397 ; *Matter of Nichols*, 54 N. Y. 62.

§ 2. Sections nine, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-seven, thirty-three, thirty-four, thirty-seven, thirty-eight, forty-one, forty-eight and eighty-six of chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, are hereby amended so as to read as follows :

Amending
Laws 1855,
ch. 427 (3)
Edm. 357.

§ 9. Whenever any account of arrears of taxes on lands of non-residents shall be received by the comptroller from a county treasurer, he shall examine such account and reject all taxes entered thereon, that shall be found to be erroneous, and all taxes found thereon charged on lands erroneously or imperfectly described, and shall credit such county treasurer in a book to be kept by him for that purpose, with the amount of all arrears of taxes which shall be admitted by him.

Lands im-
perfectly
described.

Tallman v. White, 2 N. Y. 66.

§ 16. The comptroller shall, on or before the first day of September in each year, transmit by mail or otherwise, to each county treasurer, a transcript of the taxes of the preceding year, assessed in any town or ward in such county, which shall have been rejected by him for any cause whatever, stating therein the cause of such rejection.

Rejected
taxes.

§ 17. Whenever the comptroller, after having transmitted such annual transcript, shall discover that any taxes credited to a county in the books of his office are erroneous, or that they have been assessed on land erroneously described or so imperfectly described that they cannot, in his opinion, be located with certainty, he shall cancel such taxes on the books of his office and charge them to the county in which such lands shall lie, with the interest thereon from the first day of March, in the year following that in which the taxes were laid to the first day of February next after such cancellation.

Taxes on
land im-
perfectly
described.

CHAP. 112.

Orphan
asylums.

AN ACT to amend chapter one hundred and fifty-nine of the laws of eighteen hundred and fifty-five, entitled "An act to allow the trustees, directors or managers of incorporated asylums to bind out orphans or indigent children surrendered to their care.

PASSED April 6, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1855,
ch. 159
4 Edm. 13.

SECTION 1. Section one of chapter one hundred and fifty-nine of the laws of eighteen hundred and fifty-five, entitled "An act to allow the trustees, directors or managers of incorporated asylums to bind out orphans or indigent children surrendered to their care," is hereby amended so as to read as follows:

Binding
out or-
phans, etc.

§ 1. The trustees, directors or managers of any incorporated orphan asylum (or other incorporated institution for the care of friendless children) may bind out any orphan or indigent child, if a male, under the age of twenty-one years, or, if a female, under the age of eighteen years, which has been or shall be surrendered to the care and custody of said society by the parent or guardian thereof (or which has been left to its care with no provision for its support, for the space of one year), or placed therein by the superintendent of the poor of the county, or the overseers of the poor, or board of charities of any city or town in the county within which said asylum is located, to be clerks, apprentices or servants, until such child, if a male, shall be twenty-one years old, or, if a female, shall be eighteen years old, which binding shall be as effectual as if such child had bound himself with the consent of his father.

§ 2. Section two of the said act is hereby amended so as to read as follows:

Guardians
for the
purpose of
surrender.

§ 2. In case of the death of the father of any indigent child, or in case the father shall have abandoned his family or neglected to provide for them (during a period of six months), the mother shall be guardian of said child for the purpose of surrendering the said child to the care and custody of said society; and in case of the death of both parents, the mayor of the city, or county judge of the county within which the said asylum may be located, shall be, ex-officio, the guardian of said child for the purpose of enabling said trustees, managers or directors to bind out such child, but this act shall not apply to cases where testamentary guardians have been appointed by either parent.

Adoption,
etc., in
New York
city.

§ 3. When a child or children shall have been placed under the care and custody of any incorporated charitable institution, and supported in part or in whole by the city of New York, by taxes imposed for that purpose, shall be considered as deserted, then if no inquiry has been made about their welfare and no board has been paid by parents or guardian for the space of one year, any judge of a court of record, in the county where such child or children may be taken care of, is authorized and empowered, on application of the charitable institution having the charge of such child or children, to order their adoption by suitable persons named by said institution, or their transfer to any incorporated non-sectarian institution or

society to be selected by parties or persons seeking homes or occupation for children, if said societies shall consent to receive them; and the said named societies, when consenting to receive such child or children, may bind out such child or children as set forth in sections one and two of this act.

§ 4. This act shall take effect immediately.

CHAP. 114.

AN ACT to amend chapter sixty-nine of the Laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to give notice of the discontinuance of public highways." Highways.

PASSED April 6, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of chapter sixty-nine of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to give notice of the discontinuance of public highways," is hereby amended so as to read as follows: Amending
Laws 1873,
ch. 68.
9 Edm. 574.

§ 1. Upon application being made according to law to the commissioners of highways of any town, for the discontinuance of any public highway therein, it shall be the duty of such commissioners to give to all owners and occupants residing upon lands through or along which the highway described in said application passes, six days' notice in writing of the time and place of the meeting of the jury of freeholders to certify to the uselessness of said highway, which notice shall contain the name of the applicant, and a brief description of the highway described in the application. And in case such jury shall certify that said highway is useless and unnecessary, then it shall be the duty of such commissioners to give to such owners and occupants six days' notice in writing of the time and place of the meeting of such commissioners to hear and determine such application. The notices required by this act shall be served by delivering the same to such owner or occupant, or, if he be absent, by leaving them at his dwelling house, and in either case at least six days before the time of meeting of which notice is given. Discontin-
uance of
highways.

Power of Commissioners to discontinue old highways (1 R. S. 502, § 2). *People v. Puts,* 18 How. Pr. 70; 51 N. Y. 470; 68 id. 306; 67 id. 59.

CHAP. 121.

Plank-
road and
turnpike
com-
panies.

AN ACT to amend chapter one hundred and thirty-five, laws of eighteen hundred and seventy-six, entitled "An act to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled "An act to provided* for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporate existence."

PASSED April 9, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws 1876,
ch. 136,
ante, p. 287.

SECTION 1. Section one of chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-six entitled "An act to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled "An act to provide for the incorporation of companies to construct turnpike roads, passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporate existence, is hereby amended so as to read as follows :

Corporate
existence,
how con-
tinued.

§ 1. Any plank-road company or turnpike company which shall have been formed under and by virtue of an act entitled "An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof, and which shall have managed and carried on any plank-road or turnpike road for twenty years last past upon three miles in length thereof, or not less than one-third of the route named in their original articles of association, may at any time within five years before the termination of the time specified for its duration in its articles of association, continue its corporate existence for a period not exceeding thirty years by first obtaining the consent, by resolution, of a majority of all the members of the board of supervisors of the county or counties in which any such road is located, adopted at any regular or special meeting thereof, and by filing and recording in the office of the clerk of the county or counties in which such plank-road or turnpike road is located, within one month before the expiration of the term of the corporate existence of such company, and in the office of the Secretary of State such consent and a statement showing the actual capital expended in the construct of any such plank-road or turnpike road, exclusive of repairs, together with the consent, in writing, from the persons owning two-thirds of the capital stock of such company, and in which shall also be stated the number of years which they shall desire such corporate existence extended ; also the name of each town or ward through or into which the said road passes. Such statement shall be made by the president and treasurer of such company, and they shall annex or indorse thereon their affidavits of the above requirements.

§ 2. This act shall take effect immediately.

Amended by chaps. 253 and 441, Laws 1879, *post*, pp. 741, 796.

CHAP. 125.**AN ACT** relating to contracts for lighting the public lamps in the city of New York.

PASSED April 11, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board authorized to make and enter into contracts for lighting the streets, avenues and places of the city of New York with gas, consisting of the mayor, comptroller and commissioner of public works, is hereby authorized and empowered to contract for such lighting the public lamps with gas or other illuminating material in said city by one or more contracts, to be let at public lettings, as provided by law, for a period of one year, or any part of a year, and commencing and terminating at any dates the said board may determine.

Contracts for lighting city.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

§ 3. This act shall take effect immediately.

Amended by ch. 478, L. 1879, *post*, p. 802.**CHAP. 129.**

AN ACT to amend chapter eighty-two of the laws of eighteen hundred and fifty, entitled "An act for the protection of purchasers of real estate upon sales made by order of surrogates" and all acts amendatory thereof and supplementary thereto so as to apply the provisions of said act to mortgages and leases, made by the order of surrogates.

Surrogate's sales of real estate.

PASSED April 12, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter eighty-two of the laws of eighteen hundred and fifty entitled "An act for the protection of purchasers of

Amending Laws 1850, ch. 82. 4 Edm. 506.

*So in the original.

real estate upon sales made by order of surrogates" is hereby amended so as to read as follows :

Sales, etc.,
made by
order of
surrogate.

§ 1. Every mortgage, lease or sale, heretofore made or hereafter to be made, under any of the provisions of the fourth title of chapter six of the second part of the revised statutes, and of the acts amending the same or in addition thereto, shall be deemed and held to be as valid and effectual as if made by order of a court having original general jurisdiction ; and the title of any purchaser at any such sale, made in good faith, and the validity of any such mortgage or lease shall not be impeached or invalidated by reason of any omission, error, defect or irregularity in the proceedings before the surrogate, or by an allegation of want of jurisdiction on the part of such surrogate, except in the manner and for the causes that the same could be impeached or invalidated in case such mortgage, lease or sale had been made pursuant to the order of a court of original general jurisdiction.

§ 2. Section two of said act is hereby amended so as to read as follows :

Titles not
invalidated
for defects in
petition.

§ 2. No such mortgage, lease, or sale under any of the provisions of the fourth title of chapter sixth of part second of the revised statutes, and of the acts amending the same, or in addition thereto, shall be invalidated, nor in any wise impeached for any omission or defect in any petition of any executor or administrator under the provisions of said title and acts amending the same, provided such petition shall substantially show that an inventory has been filed, and that there are debts, or is a debt, which the personal estate is insufficient to discharge, and that recourse is necessary to the real estate (or some of it) whereof the decedent died seized.

§ 3. Section three of said act as amended by chapter two hundred and sixty of the laws of eighteen hundred and sixty-nine, and chapter ninety-two of the laws of eighteen hundred and seventy-two, is hereby further amended so as to read as follows :

When
sales by
order of
surrogates
not to be
invalidated
for certain
irregularities.

§ 3. Nor shall any such mortgage, lease, or sale be invalidated nor in any wise impeached, by reason that any such petition was or shall be presented by less than the whole number of executors or of administrators ; nor by reason that, after the filing of any such petition, any bond required by law has been, or shall be, given by less than the whole number of the executors or administrators petitioning ; nor by reason that an inventory of the testators or intestate's estate has been or shall be made and filed by less than the whole number of the executors or administrators nor by reason than any further or other proceeding, notice, sale, deed, or return has been, or shall be had or made, by less than the whole number of executors or administrators petitioning ; nor by reason of any omission to serve upon any minor, heir, or devisee, personally, or by publication, a copy of the order to show cause required by the fifth section of the fourth title of chapter six, part second of the revised statutes ; provided such order shall have been duly served on the general guardian of the minor, or the guardian appointed in such proceeding ; nor by reason of any irregularity in any matter or proceeding after the presenting of any petition and the giving notice of the order to show cause why the authority or direction applied for should not be granted, and before the order confirming such sale ; nor after a lapse of five years from the time of such sale, where the notice of such sale has been published for six weeks successively before the day of such sale, although such publication may not have been for the full period of forty-two days ; and in all cases where the records of the office of the surrogate, before whom such proceedings

were taken, have been removed from the house, office or other building in which such proceedings were taken, to another house, office or other building, after such proceedings were taken, and the full period of twenty-five years has elapsed since said sale, it shall be presumed that guardians have been duly appointed for all minors, heirs or devisees, of the real estate sought to be mortgaged, leased or sold in such proceeding, such presumption to be rebutted only by record evidence in such office showing affirmatively that such guardian or guardians were not appointed; provided that nothing in this act contained shall be construed to affect in any manner any suit or proceeding already commenced for the recovery of any lands or the proceeds thereof, sold under or by virtue of any order of any surrogate's court, and provided also that nothing in this act contained shall be construed to affect in any manner any suit or proceeding already commenced to foreclose such mortgage, or any suit or proceeding already commenced in which the validity of such lease shall or may come in question.

§ 4. Section four of said act is hereby amended so as to read as follows:

§ 4. This act shall not be construed as authorizing any surrogate, or officer performing the duties of the office of surrogate, to make any order for the mortgage, lease, or sale of the real property of a deceased person, or to confirm any such sale, unless upon a due examination he shall be satisfied that the provisions of said title have been complied with as if this act had not been passed.

When sales, etc., not to be ordered.

§ 5. This act shall take effect immediately.

Repealed by chap. 245, L. 1880. See Code Civ. Proc., §§ 2784-5.

CHAP. 132.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

Supervisors.

PASSED April 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision twenty-five of section one of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration and to regulate the compensation of supervisors," is hereby amended so as to read as follows:

Amending Laws 1875, ch. 483, ante, p. 156.

25. To authorize any town which shall make application therefor, by the vote of an annual town meeting, to elect a tax receiver in place of a collector, to prescribe the mode of the collection of taxes, the security to be given, and the commission or other compensation to be allowed to such tax receiver for his services.

May authorize election of tax receiver, etc.

§ 2. This act shall take effect immediately.

CHAP. 203.

Pipe Line
com-
panies.

AN ACT to provide for the incorporation of Pipe Line companies, and to regulate the same.

PASSED May 2, 1878; without the approval of the governor, pursuant to provision of section nine of article four of the Constitution.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Incorpo-
ration.

Articles of
associa-
tion.

Capital
stock.

Directors.

Subscrip-
tion to
stock.

Filing ar-
ticles.

Powers,
privileges
and liabil-
ities.

When ar-
ticles may
be filed.

SECTION 1. Any number of persons, not less than twelve, may form a company for the purpose of constructing and operating, for the public use, lines of pipe for the conveying or transporting therein petroleum, gas, liquids, or any products or property, or for the purpose of maintaining and operating any line of pipe already constructed and owned by any incorporated company, person or persons, for the like public use, and for that purpose may make and sign articles of association, in which shall be stated the name of the company, the number of years the same is to continue, the places from and to which the same is to be constructed or maintained and operated, length of such pipe line, as near as may be, and the name of each county in this state through or into which it is to be constructed or intended to be constructed. The amount of capital stock of the company, which shall not be less than fifteen hundred dollars, for every mile of pipe constructed, or proposed to be constructed, and the number of shares of which said capital stock shall consist, and the names and places of residence of seven directors of the company, who shall manage its affairs for the first year, and until others are chosen in their places. Each subscriber to such articles of association shall subscribe thereto his name, place of residence and the number of shares he agrees to take in said company. On compliance with the provisions of the next section, such articles of association may be filed in the office of the secretary of state, who shall indorse thereon the day and hour they are filed, and record the same in a book to be provided by him for that purpose, and thereupon the persons who have so subscribed such articles of association, and all persons who shall become stockholders in such company, shall be a corporation by the name specified in such articles of association, and shall possess the powers and privileges granted to corporations, and be subject to the provisions contained in title three of chapter eighteen of the first part of the Revised Statutes.

§ 2. Such articles of association shall not be filed and recorded in the office of the secretary of state until at least ten hundred and fifty dollars of stock for every mile of pipe line proposed to be constructed or maintained is subscribed thereto, and twenty-five per cent. paid thereon in good faith, and in money, to the directors named in such articles of association, nor until there is endorsed thereon, or annexed thereto, an affidavit made by at least three of the directors named in such articles, that the amount of stock required by this section has been in good faith subscribed, and twenty-five per cent. paid in money thereon as aforesaid, and that it is intended in good faith to construct or to maintain and operate the line of pipe mentioned in such articles of association, and that such corporation was not projected or formed with the intent or for the purpose of selling or conveying its franchise to any person or corporation, nor with the intent or for

the purpose of injuring any person or corporation, nor for any fraudulent purpose, which affidavit shall be recorded with the articles of association as aforesaid, and shall be taken and held to be a part thereof.

§ 3. A copy of any articles of association filed and recorded in pursuance of this act, or the record thereof, containing a copy of the affidavits by the last section made a part thereof, and certified to be a true copy by the secretary of state, or his deputy, shall be presumptive evidence of the incorporation of such company, and of the facts therein stated.

Copy of articles as evidence.

§ 4. When such articles of association and affidavit are filed and recorded in the office of the secretary of state, the directors named in such articles of the association may, in case the whole of the capital stock is not before subscribed, open books of subscription to fill up the capital stock of the company in such places and after giving such notices as they may deem expedient, and may continue to receive subscriptions until the whole capital stock is subscribed at the time of such subscribing. Every subscriber shall pay to the directors twenty-five per cent. in money on the amount of the stock subscribed by him, and no subscription shall be received, or taken or held as a valid subscription, unless such payment is made at the time of subscribing.

Subscriptions to stock.

Cash payments.

§ 5. There shall be a board of seven directors of every corporation formed under this act, to manage its affairs, and such directors shall be chosen annually by the stockholders voting at such election, in the election of directors, each stockholder personally or by proxy shall be entitled to as many votes as shall equal the number of his shares of stock for thirty days previous to such election multiplied by the number of directors to be elected, and he may distribute his votes among those to be voted for, as he sees fit, and the persons receiving the greatest number of votes shall be directors of such corporation, and they may and shall continue to be such directors for one year and until others are elected in their places. The inspectors of the first election shall be appointed by the directors named in the articles of association, and thereafter in such manner as may be prescribed by the laws of the corporation. No person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right and qualified to vote thereon for directors at the election at which he shall be chosen, and at every election of directors the books and papers of such company shall be exhibited to the meeting if the persons owning or representing by proxy one-third of the stock entitled to be voted upon at such meeting shall require it, and such books may then be examined by any stockholder, and any stockholder may take transcripts or copies or any portion thereof, and the purchaser or purchasers of the real estate, pipe and fixtures of any corporation created by or under this act which may be sold by virtue of a power of sale contained in any mortgage made by such corporation or upon a sale by virtue of any execution issued upon any judgment recovered in any court, shall acquire title to them in the manner prescribed by law, such purchaser or purchasers, or the grantee or grantees of them, may associate with themselves any number of persons sufficient to constitute a board of directors, as required by this act, and may make and subscribe articles of association with an affidavit, as prescribed by the first section of this act, and upon the filing thereof, such parties with their associates shall thereupon be a corporation with all the powers, privileges, and subject to

Directors, how elected.

Inspectors of election.

Qualifications of directors.

Books of company when to be exhibited and examined.

Transcripts.

Reorganization after sale.

Charge for transportation.

all the provisions of this act. Nothing herein contained shall be construed to authorize any company organized under the provisions of this section to charge any greater rate or compensation for the transportation of any product or liquid than is prescribed in this act.

Annual election.

§ 6. The time and place of holding the annual election for directors shall be fixed by the by-laws of such corporation and shall be not more than fifteen months after the time of filing the articles of association and all annual meetings for the election of directors shall thereafter be held in each year on the day and at the place so designated.

Officers and agents.

§ 7. The directors shall appoint one of their number president. They may also appoint a treasurer and secretary, and such other officers and agents as shall be prescribed by the by-laws, who shall hold their offices at the pleasure of the directors, unless otherwise provided by the by-laws.

Payment of subscriptions to stock.

§ 8. The directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed in such manner and in such installments as they may deem proper. If any stockholder shall neglect to pay any installment, as required by a resolution of the board of directors, the said board shall be authorized by resolution to declare his stock and all previous payments thereon forfeited to the use of the corporation, but they shall not declare it so forfeited until they have caused a notice in writing or partly written and partly printed, to be served on him personally, or by depositing the same in the post-office, with the postage prepaid thereon, and properly directed to him at the post-office nearest his place of residence, which notice shall state that he is required to make such payments at the time and place specified in said notice, and that if he fails to make the same, his stock and all previous payments thereon will be forfeited to the use of such corporation, which notice shall be so served at least sixty days previous to the day on which such payment is required to be made.

Transfer of stock.

§ 9. The stock of every corporation formed under this act shall be deemed personal property and estate, and shall be transferable in the manner prescribed by the by-laws of such corporation, but no shares shall be transferable by sale, until all previous calls thereon shall have been fully paid in, and it shall not be lawful for such corporation to use any of its funds in the purchase of any stock in its own or in any other corporation, nor shall such corporation in any manner become liable for the debt, or miscarriage of any other person or persons or corporations.

Increase of capital stock.

§ 10. In case the capital stock of any company formed under this act is found to be insufficient for constructing and operating its pipe line, such company may, with the concurrence of two-thirds in amount of all its stockholders, and upon an order of the supreme court to be granted in the discretion of the court, upon the petition of the directors, and notice of such application, of not less than fifteen days, upon all stockholders appearing upon the stock book of said corporation, who shall not have consented to such increase (in such manner as said court shall direct), increase its capital stock from time to time, to any amount required for the purpose aforesaid, and in all such cases the petition to the court shall be by affidavit, and shall show the amount of the proposed increase, and the reasons therefor; that two-thirds in amount of all the stockholders of such corporation, entitled to vote at such meeting, personally or by proxy, had voted for such increase at a meeting of the stockholders, called by a resolution of the directors for that purpose, and notice thereof served upon each stockholder thereof

Petition for increase.

at least twenty days previous to the time of such meeting, in the manner provided in the eighth section of this act for serving notices, and that such notice contained the time, place and object of such meeting, and the amount to which such capital stock was proposed to be increased, and that the amount of the increase prayed for in the petition is not for a greater amount than that specified in such notices, and thereupon, upon the hearing, the court may make an order, in its discretion, increasing the capital stock of such company in the amount prayed for in such petition, or in such lesser sum or amount as the court may fix, and upon the filing and entry of such order, the capital stock of such corporation may be increased in the amount mentioned therein, and the directors may proceed to take and receive subscriptions therefor, in the manner provided in section four of this act, and upon payment of the percentage therein provided upon subscribing thereto.

Order of court.

§ 11. Each stockholder of any company formed under this act, shall be individually liable to the creditors of such company to an amount equal to the amount unpaid on the stock held by him for all debts and liabilities of such corporation until the whole amount of the capital stock so held by him shall have been paid to the company, and all the stockholders of any such company shall be jointly and severally liable for the debts due or owing to any of its laborers and servants, other than contractors, for personal services for thirty days' services performed for such company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against the corporation, and the amount due on such execution shall be the amount recovered with costs against such stockholder by such laborer or servant.

Liability of stockholders.

§ 12. No person holding stock in any such company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security shall be personally subject to any liability as stockholder of such company; but the person pledging such stock shall be considered as holding the same, and shall be held liable as a stockholder accordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust-fund would have been if he had been living and competent to act and held the stock in his own name.

Executors, trustees and pledgees not liable.

§ 13. As often as any contractor for the construction of any line of pipes which is in progress of construction shall be indebted to any laborer for thirty or any less number of days' labor performed in constructing said pipe line, such laborer may give notice of such indebtedness to said company in the manner herein provided, and said company shall thereupon become liable to pay such laborer the amount so due him for such labor, and an action may be maintained against such company therefor; such notice shall be given by such laborer to said company within twenty days after the performance of the number of days' labor for which claim is made such notice shall be in writing, and shall state the months and particular days of the month upon which labor was performed and remains unpaid for, the price per day, the amount due, with the name of the contractor from whom due, the section or portion of the pipe line upon which the same was performed, and shall be signed by such laborer or his attorney, to which notice an affidavit shall be annexed, made by such laborer or his attorney to the effect, that to the knowledge of the

When company liable to employees of contractor for the construction of line.

person making the affidavit the statements contained in such notice are in all respects true. Such notice so verified may be served upon the president, secretary, or any director of said company, or upon any engineer, agent or superintendent employed by said company, having charge of the section or portion of the pipe line on which such labor was performed, either personally or by leaving the same at the office or usual place of business of any such officer or employee, with some person of suitable age, but no action shall be maintained against such company unless the same is commenced after ten days and within six months after giving the notice above provided.

Real estate how acquired.

§ 14. In case any company formed under this act is unable to agree for the purchase of any real estate required for the purposes of its incorporation, not forbidden to be acquired by this act, it shall have the right to acquire title to the same in the manner and by the special proceedings prescribed by this act.

Petition for acquiring land.

§ 15. For the purpose of acquiring such title, the said company may present a petition to the supreme court at any general or special term thereof held in the district in which the real estate described in the petition is situated, praying for the appointment of commissioners of appraisal. Such petition shall be signed and verified according to the rules and practice of the courts. It must contain a description of the real estate which the company seeks to acquire, and it must state in effect that the company is duly incorporated, and that is it the intention of the company in good faith to construct and finish a line of pipes from, and to, the places named for that purpose in its article of association; that the whole capital stock of the company required by this act has been in good faith subscribed as herein required; that the company has surveyed the line, or route of its proposed line of pipe, and made a map of the survey thereof, by which such line or route is designated, and that they have located and staked out their said line of pipes according to such survey, and filed certificates of such location, signed by a majority of the directors of the company, in the clerk's office of the several counties through, or into which, the said line of pipe is to be constructed; that the land described in the petition is required for the purpose of constructing or operating the proposed line of pipe, and that the company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residents of the parties, so far as the same can, by reasonable diligence, be ascertained, who own or have, or claim to own or have, estates or interests in the said real estate, and if any such persons are infants their ages as near as may be must be stated, and if any such persons are idiots or persons of unsound mind, or are unknown, that fact must be stated, together with such other allegations and statements of liens or incumbrances on such real estate as the company may see fit to make. A copy of such petition, with a notice of the time and place the same will be presented to the court must be served on all persons whose interests are to be affected by the proceedings at least ten days prior to the time therein named for the presentation of the same to the said court.

Service on petition.

How service to be made.

1. If the person on whom such service is to be made resides in this state, and is not an infant, idiot or person of unsound mind, service of a copy of such petition and notice must be made on him or his agent, or attorney authorized to contract for the sale of the real estate described in the petition, personally, or by leaving the same at the usual place of residence of the person on whom service must be made as aforesaid with some person of suitable age.

2. If the person on whom such service is to be made resides out of the state, and has an agent residing in this state, authorized to contract for the sale of the real estate described in the petition, such service may be made on such agent, or on such person, personally, out of the state; or it may be made by publishing the notice, stating briefly the object of the application, and giving a description of the land to be taken, in the state paper, and in a paper printed in the county, in which the land to be taken is situated, once in each week for one month next previous to the presentation of the petition. And if the residence of such person residing out of the state, but in any of the States, or any of the British colonies of North America, is known, or can by reasonable diligence, be ascertained, the company must, in addition to such publications aforesaid, deposit a copy of the petition and notice in the post-office, properly folded and directed to such person at the post-office nearest to his place of residence, at least thirty days before presenting such petition to the courts, and pay the postage chargeable thereon in the United States.

How service to be made.

3. If any person on whom such service is to be made is under the age of twenty-one years, and resides in this state, such service shall be made as aforesaid on his general guardian; or if he has no such guardian, then on such infant personally, if he is over the age of fourteen years; and if under that age, then on the person who has the care of, or with whom such infant resides.

Ib.

4. If the person on whom such service is to be made is an idiot, or of unsound mind, and resides in this state, such service may be made on the committee of his person or estate; or if he has no such committee, then on the person who has the care and charge of such idiot or person of unsound mind.

Ib.

5. If the person on whom such service is to be made is unknown, or his residence is unknown, and cannot by reasonable diligence be ascertained, then such service may be made, under the direction of the court, by publishing a notice stating the time and place the petition will be presented, the object thereof, with the description of the land to be affected by the proceedings, in the state paper, and in a paper printed in the county where the land is situated, once in each week for one month previous to the presentation of such petition.

Ib.

6. In case any party to be affected by the proceedings is an infant, idiot or of unsound mind, and has no general guardian or committee, the court shall appoint a special guardian or committee to attend to the interests of such person in the proceedings; but if a general guardian or committee has been appointed for such person in this state, it shall be the duty of such general guardian or committee to attend to the interests of such infant, idiot or person of unsound mind; and the courts may require such security to be given by such general or special guardian or committee as it may deem necessary to protect the rights of such infant, idiot or person of unsound mind; all notices required to be served in the progress of the proceedings may be served on such general or special guardian or committee.

Ib.

7. In all cases not herein provided for services of orders, notices and other papers in the special proceedings authorized by this act, may be made as the supreme court shall direct.

Ib.

§ 16. Any pipe line company which may hereafter be duly formed under the provisions of this act, and which is duly continued in existence when at least ten hundred and fifty dollars for every mile of its line proposed to be constructed in this state shall be in good faith subscribed to its capital stock, and twenty-five per cent thereof paid

When may apply for condemnation of land.

in, may apply to the court for the appointment of commissioners, and all subsequent proceedings may be had to obtain the title and lands necessary for the construction of its pipe lines, to the same extent and in the same manner as if the whole amount of the capital stock specified in the articles of association, was in like manner subscribed.

Hearing
on the pe-
tition.

Appoint-
ment of
commis-
sioners.

First
meeting.

Powers
and duties
of com-
mission-
ers.

§ 17. On presenting such petition to the supreme court as aforesaid, with proof of service of a copy thereof, and notice as aforesaid, all or any of the persons whose estates or interests are to be affected by the proceedings, may show cause against granting the prayer of the petition and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition it shall make an order for the appointment of three disinterested and competent freeholders, who reside in the county or some adjoining county where the premises to be appraised are situated, commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken in such county, for the purpose of the company, and fix the time and place for the first meeting of the commissioners.

Report.

Compensation.

§ 18. The commissioners shall take and subscribe the oath prescribed by the twelfth article of the constitution. Any of them may issue subpoenas and administer oaths to witnesses; a majority of them may adjourn the proceedings before them, from time to time, in their discretion. Whenever they meet, except by the appointment of the court or pursuant to adjournment, they shall cause reasonable notice of such meetings to be given to the parties interested, or their agents or attorneys. They shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony taken by them, if any, to writing, and after the testimony of each case is closed, they or a majority of them, all being present, shall, without any unnecessary delay, and before proceeding to the examination of any other claim, ascertain and determine the compensation which ought justly to be made by the company to the owners or persons interested in the real estate appraised by them; and, in fixing the amount of compensation, said commissioners shall not make any allowance or deduction on account of any real or supposed benefits which the parties interested may derive from the construction of the proposed pipe line, or the construction of the proposed improvement connected with such line for which such real estate may be taken. They, or a majority of them, shall also determine what sum ought to be paid to the general or special guardian or committee of an infant, idiot or persons of an unsound mind, or to an attorney appointed by the court to attend to the interests of any unknown owner or party in interest, not personally served with notice of the proceedings, and who has not appeared, for costs, expenses and counsel fees. The said commissioners shall make a report of these proceedings to the supreme court, with the minutes of the testimony taken by them, if any; and they shall each be entitled to five dollars for services and expenses for every day they are actually engaged in the performance of their duties, to be paid by the company, except where the owners or persons interested in the real estate fail to have awarded them more than the amount of compensation offered them by the company before the appointment of commissioners, then to be paid by the said owners or persons interested or if not paid by them to be paid by the company, and deducted from the amount awarded.

§ 19. On such report being made by said commissioners, the company shall give notice to the parties or their attorneys to be affected by the proceedings, according to the rules and practice of the court, at a special term thereof for the confirmation of the report, and the court shall thereupon confirm such report, and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal and a description of the real estate appraised for which compensation is to be made, and shall also direct to whom the money awarded is to be paid and how, and in case it appears from any cause that such award should be held to await the further order of the court, it shall by order make such disposition thereof as shall be just, pending such further order.

Confirmation of report.

Direction as to award.

§ 20. A certified copy of the order so made as aforesaid shall be recorded at full length in the clerk's office in which the land described therein is situated, and thereupon and on the payment or deposit by the company of the sums to be paid as compensation for the land, and for costs, expenses and counsel fees as aforesaid, and on full compliance with said order the company shall be entitled to enter upon, take possession of, and use the said land for the purposes of its incorporation during the continuance of its corporate existence, and all persons who have been made parties to the proceedings shall be divested and barred of all right, estate and interest in such real estate during the corporate existence of the company as aforesaid. All real estate acquired by any company under and pursuant to the provisions of this act, for the purposes of its incorporation, shall be deemed to be acquired for public use. Within twenty days after notice of the confirmation of the report of the commissioners as provided herein, either party may appeal therefrom or from any part thereof, according to the rules and practice of the court as from an order granted on notice to the general term of the court. On the hearing of the appeal the court may modify such report or order in such manner as may be just, or may direct a new appraisal before the same or new commissioners in its discretion. A second report if made shall be conclusive on all parties served with notice of the first application to the court for the appointment of commissioners of appraisal, and upon the coming in of the second report of the court shall make an order in relation to the moneys theretofore paid upon the confirmation of the first report, and of any moneys directed to be paid by the second report as shall be just and to the court seem proper. The appeal herein allowed shall not affect the possession by such company of the land appraised.

When company may enter upon land.

Land so acquired for public use.

Appeals from confirmation of report.

Power of court on appeal.

Second report conclusive.

Effect of appeal.

§ 21. The court shall, upon application for the appointment of appraisers, appoint some responsible and competent attorney to appear for and protect the rights and interests of any infants, lunatics or persons of unsound mind; or of any person who is unknown, or whose residence is unknown, who has not duly appeared by attorney; the court shall also at any time have power to amend any defect or informality in any of the proceedings authorized by this act, in such manner as may be proper and necessary, and may cause new parties to be brought in, and direct such further notices to be given to any party, as it shall deem proper, and also to appoint other commissioner or commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

Guardians at litem.

Amendments in proceedings.

Vacancies in commission.

§ 22. If at any time after an attempt to acquire title by appraisal of damages or otherwise it shall be proved that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect such title in the same manner as if no appraisal

When company may proceed anew.

Court may authorize possession.

When land owner may commence proceedings.

Further acquisition of land.

Company to stake out line.

Map and survey.

Notice of filing of map.

Commencement of work.

Application of land owner for re-location of line.

Line how relocated.

had been made, and at any stage of such new proceedings, the court may authorize the company, if in possession of the lands, to continue in possession, and if not in possession, to take possession and use such real estate during the pendency and until the final determination of such new proceedings, and may stay all actions or proceedings against the company on account thereof upon such terms as the court may direct; and in any case where a company organized under this act shall be in possession of lands without having acquired title thereto, any person interested in such lands may institute proceedings for the appraisal of damages for the taking, or may conduct any such proceedings, when commenced, to a conclusion, if the company delays or omits to do so; and all proceedings commenced or carried on in consequence of delay on the part of the company as aforesaid, shall be conducted in such manner as the court shall, upon application direct. If at any time after the construction of any line of pipe or pipe line the company shall require other lands for the proper operating of the same, such lands may be acquired in the same manner hereinbefore provided for the acquiring titles to lands.

§ 23. Every company organized under the provisions of this act, shall, before commencing the construction of their pipe line in any county, plainly and distinctly mark and designate the line adopted and located by them by a line of stakes, not more than twenty rods apart from each other, so that such line can be definitely known and ascertained in all places. Such stakes shall be numbered by consecutive numbers, and shall be at equal distances from each other; and such company shall also, before commencing work on such line, make a map and survey of the route so located and staked out, and shall indicate thereon plainly the points where such route crosses the lines of each parcel of land to which they have not acquired title by agreement, and shall cause such map and survey to be certified by the president and engineer of such company and filed in the office of the clerk of the county into or through which the line so located and mapped passes, or in the register's office in counties where there is a register; written notice of the filing of such map and survey shall be given to the owner or occupant of every parcel of land through which the said route passes (if such owner or occupant be known or can be ascertained), the title to which has not been acquired by purchase, which notice shall state that such route passes over or across such owner's or occupant's lands, and that the route thereof is indicated thereon by the line of location stakes aforementioned; and such company shall not commence the work of constructing or digging or laying their line of pipe until fifteen days from and after the service of all notices required by this section. Any occupant or owner of such lands feeling aggrieved by the proposed location may, within fifteen days after service of such notice, give ten days' written notice to the company, by service upon any director, president or engineer thereof, and to the owner or occupant of any lands to be affected by the alteration to be proposed by him, of the time and place of an application to be made by him to a justice of the supreme court in the judicial district in which such lands are situated for the appointment of commissioners to relocate said line as set out in said notice. If, upon the hearing such justice shall consider that sufficient cause exists therefor, he shall appoint three disinterested persons commissioners to examine the route locate by the company, and the proposed alteration thereof, and direct the mode of proceeding, who shall report to the court their opinion of the proposed alter-

ation, or what if any alteration should be made in such line, and whether any alteration should or should not be made; and such justice shall thereupon make such order as he shall deem proper in relation to such alteration, and shall therein determine the location of such line, which order shall also fix and adjust the costs, fees and charges of the commissioners, and the costs and charges of the proceedings, and direct by which party the same or any portion thereof shall be paid, and may enforce payment thereof by proceedings as for a contempt of court, for refusal to pay costs ordered paid by an order of the court. Every such order shall be final as to the location of the line upon lands embraced in the order.

§ 24. In all cases of appraisal, and in all proceedings before or in any court authorized by this act, in which the mode or manner of conducting the same is not particularly or expressly provided herein, the court before whom such proceedings may be pending shall have power to make all necessary orders and give the proper directions to carry into effect the objects and intent of this act, conforming the same, as near as may be, to the ordinary practice of the court.

Court may control proceedings.

§ 25. Whenever any line of pipe constructed by any company formed under this act shall necessarily cross any railroad, highway, turnpike or plank road, such line of pipe shall be made to cross under such railroad, highway, turnpike or plank road, and in such manner as to injure the same as little as practicable, and unless the right to cross the same shall be acquired by agreement, compensation shall be ascertained and made to the owners thereof (or to the public in case of highways), by appraisal, in the manner prescribed by this act, but no exclusive title or use shall be so required as against any railroad, turnpike or plank road company, nor as against the rights of the people of this state in any public highway, but the rights acquired shall be a common use of the lands in such manner as to be of the least practical injury to such railroad, turnpike, plank road or public highway, consistent with the necessary use thereof by such pipe line company, for the uses and purposes of its incorporation, and nothing in this act contained shall be construed to authorize the taking or use of any lands, fixtures or erections of any railroad company or the right to acquire the title or use, or right to run along or upon the lands of any railroad company, except for the purpose of directly crossing the same when necessary, except by agreement with such railroad company.

Railroad and highway crossings.

Limitation as to railroad.

§ 26. No pipe line shall be constructed upon or across any of the canals belonging to the people of this state, except by the consent and in the manner and upon the terms prescribed and approved by the superintendent of public works. Except that such pipe line may be constructed across any such canal, upon any fixed bridge across the same, by the consent of the individual for whose benefit the said bridge is constructed and maintained, or upon a fixed bridge over such canal, at the crossing of a public highway, with the consent of the public officers in charge, or of the municipal authorities of any city where such pipe may be required to be laid across any bridge over the canals therein, as hereinafter provided, in relation to lands in public highways. The pipes of the pipe line companies organized for the conveying or transporting therein of petroleum, gas, liquids or any products or property shall not be laid through any of the canals or along the banks of any of the canals of this state, nor shall any such pipes be laid through or under any of the rivers or creeks of this state, unless such pipes shall be encased so as to prevent leakage, in such manner as shall meet the approval of the state engineer and surveyor.

Across and along canals.

Rivers and Creeks.

Over Indian Reservations.

§ 27. It shall and may be lawful for any pipe line company formed under the provisions of this act to contract with the chiefs of any nation of Indians over whose lands it may be necessary to construct their pipe line, for the right to construct such pipe line upon such lands, but no such contract shall vest in such pipe line company the fee of such lands, nor the right to occupy the same for any purpose other than what may be necessary for the construction and operation and maintenance of such pipe line, and no contract made with any such Indian chiefs for the purposes of the incorporation of such company shall be valid or effectual until the same shall be ratified by the county court of the county in which such lands are situated.

Across or along highways.

§ 28. No pipe line shall be constructed across, along or upon any public highway, without the consent of the commissioners of highways of the town in which such highway is located, upon such terms as may be agreed upon with such commissioners, or upon the order of the general term of the supreme court of the department in which such highway is situated, made upon petition and notice to the commissioners of highways of such town, according to the practice or order of the court, or an order to show cause, and in such manner and upon such terms as shall be ordered by such court.

How constructed through villages and cities.

§ 29. No pipe line shall be constructed into or through any incorporated village or city in this state, unless the same be sanctioned by two-thirds of the common council of such city, or trustees of such village, by a resolution adopted at a regular meeting of such common council or board of trustees, which resolution shall prescribe the route, manner of construction and the terms upon which consent is granted; and nothing in this or the preceding section shall be construed or held to confer any other right than the relinquishment of the public right and the consent of the people to the construction of such pipe line, and shall not affect any private right. No pavement shall be removed in any of the cities of this state for the laying of pipes, under the provisions of this act unless the same is done under the direction of the common council of the cities through which the pipes are to be laid, nor until any of the pipe line companies incorporated under the provisions of this act, shall give a bond in such sum as the common council may require for the replacing of any pavements that shall have been removed for the laying of the pipe. In case any pipes shall have been removed and not properly relaid, the common council may bring suit in any court of record of this state, for the cost of relaying any of such pavement against any of said pipe line companies. No gas-houses shall be erected in any city in this state under the provisions of this act, for supplying gas to the inhabitants, unless consent is first given by the corporate authorities of any of said cities.

Gas-houses in cities.

Grants of land belonging to the state.

§ 30. The commissioners of the land office shall have power to grant to any pipe line company formed under this act any lands belonging to the people of this state which may be required for the purpose of its incorporation on such terms as may be agreed on by them, or such company may acquire title thereto by appraisal, as in the case of lands owned by individuals, and if any lands owned by any county, city or town is required by such company for such purposes, the county, city or town officers having charge of such lands may grant such lands to such company upon such terms and for such compensation as may be agreed on.

How title acquired to land vested in

§ 31. In case any title or interest in lands required by any company formed under this act for the purpose of its incorporation, shall be vested in any trustee not authorized to sell, release and convey the

same, or in any infant, idiot or person of unsound mind, the supreme court shall have power by a summary proceeding, on petition, to authorize such trustee or the general guardian or committee of such infant, idiot or person of unsound mind, to sell and convey the same to such company on such terms as may be just; and in case any infant, idiot or person of unsound mind has no general guardian or committee, the said court may appoint a special guardian or committee for the purpose of making such sale, release or conveyance, and may require such security from such general or special guardian or committee as said court may deem proper. But before any conveyance or release authorized by this section shall be executed, the terms on which the same is to be executed shall be reported to the court on oath, and if the court is satisfied that such terms are just to the party interested in such real estate, the court shall confirm the report and direct the proper conveyance or release to be executed, which shall have the same effect as if executed by an owner of said land having legal power to sell the same.

trustees,
infants,
etc.

§ 32. Any company formed under this act may acquire title in any easement upon lands or any interest therein less than the fee and which may be necessary for the purposes of its incorporation, in all cases where such easement or interest is owned by any person or class of persons other than the owner of the fee in the manner provided in this act. But in every such case the petition for the appointment of commissioners of appraisal in addition to the facts required in case of appraisal of the fee of the land, shall set out and show all the facts in relation to such easement or interest, and the court may by a reference ascertain the truth of all such allegations and whether all facts necessary to a proper determination therein are alleged, and require other necessary facts or proofs to be supplied or other proper or necessary parties to be brought in before appointing commissioners of appraisal. And such court shall have full power to protect the interests and rights of all parties therein, according to the practice of the court.

Title in
easements.

§ 33. Every corporation formed under this act shall in addition to the powers conferred on corporations in the third title of the eighteenth chapter of the first part of the Revised Statutes, have power:

Additional
powers of
corporations.

1. To cause such examinations and surveys of its proposed line of pipe to be made as may be necessary to the selection of the most advantageous route, and for such purpose by its officers or agents and servants may enter upon the lands and waters of any person upon, through or across which such company can construct their line of pipe by the provisions of this act. Subject, however, to liability for all actual damage which shall be done thereto.

To enter
on lands
to make
surveys.

2. To take and hold such voluntary grants of real estate and other property as shall be made to it to aid in the construction, maintenance, operating and accommodations of its pipe line. but the real estate acquired by purchase or voluntary grant shall be held and used for the purposes of such grant only.

To take
voluntary
grants.

3. To purchase and hold all such real estate and other property as may be necessary for the purposes of its corporation.

To purchase
property.
Width of
line.

4. To lay out its pipe line route, not exceeding twelve feet in width, except that at the terminations of such pipe line, and at all receiving and discharging points, and at all places where machinery may properly or necessarily be set up for the operating of such pipe line, such company may take such additional width, and for such length as may be proper.

To convey
any thing
possible.

5. To take and convey through pipes, any property, substance or product capable of transportation in pipes, by any force, power or mechanical agency, and to erect and maintain all necessary and convenient buildings, stations, fixtures and machinery for the purposes of their incorporation.

To regulate
time, manner
and compensation
for transportation.

6. To regulate the time and manner in which property shall be transported over their pipe line, and the compensation to be paid therefor, but such compensation shall not exceed the sum, or be above the rate of twenty-five cents per one hundred miles, for the transportation of forty-two gallons of any product transported on lines of one hundred miles in length or over, which shall be reckoned and adjusted upon the quantity or number of gallons delivered by such company at the point to which such company shall have undertaken to deliver the same.

Line to be
open to
public use.

7. Any pipe line constructed by any company formed under this act, shall be open for transportation to the public use, and all persons desiring to transport products through such pipe line, shall have the absolute right to such transportation in the order of application therefor, on complying with the general requirements of such company, as to delivery for and payment of such transportation, and no application for such transportation shall be a valid application, beyond or for a greater quantity of products than such applicant shall then own and have ready for delivery for transportation to such companies, and every such company shall provide suitable and proper and necessary receptacles for receiving all such products for transportation, and for storage at the place of delivery, until the same can reasonably be moved by the consignee, and shall be liable as common carriers therefor, from the time the same is delivered for transportation until a reasonable time after the same has been transported to the place of consignment, and ready for delivery to the consignee, which time shall be fixed by general regulation by such company, and shall not be less than two days, from and after the time the same shall be ready for delivery to such consignee, and notice thereof given to such consignee; and all rates and charges of every description, for or on account of or in any manner connected with the transportation of any products, shall be fixed by such company by general rules and regulations, which shall be applicable to all parties who shall transport any products through such pipe line, or deliver or contract to deliver products for transportation.

To provide
storage.

Liable as
common
carriers.

Rates and
charges.

Discrimination.

Penalty
for discrimination.

Such rules and regulations shall be in writing or printed and exposed to public view, and at all times open to public examination. The intention of this act being that absolute equality shall be had by and between all parties transporting any products by any pipe line company, and any officer, agent or manager of any pipe line company organized under this act, who shall knowingly neglect or refuse to transport any product delivered for transportation, according to such general rules and regulations, or to accept and allow a delivery thereof in the order of application, as above provided, or who shall charge for such receiving, transportation and delivery more than the sum fixed by such general rules and regulations, or shall accept or agree to accept less than the amount fixed in such general rules and regulations, or shall allow or pay, or agree to allow or pay, or suffer to be allowed or paid or repaid, any drawback or rebate or allowance in any manner, so that any person or party shall, by any device, have or procure any transportation of products over such pipe line at any less rate, cost, expense or charges than is expressed in such general rules and regulations, shall be guilty of a misdemeanor, and, on conviction by any court of competent jurisdiction, shall be punished by a fine not exceeding one

thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

§ 34. No company formed under the provisions of this act shall locate or construct any line of pipe or pipe line through or under any building, dooryard, lawn, garden or orchard, except by the consent of the owner thereof in writing duly acknowledged before some officer duly authorized to take acknowledgment of deeds, and no pipe line shall be constructed through any cemetery or burial ground, nor within one hundred feet of any building, except that in cases where such line is authorized by public officers to be laid across or upon any public highway, or where the same is laid across or upon any turnpike or plank road, the above restriction shall not be applicable, and in all cases hereby excepted. No pipes shall be laid for the purpose of carrying petroleum, gas, or other products or property through or under any of the streets in the cities of this state, unless the said pipe line companies incorporated under the provisions of this act, shall first obtain the consent of a majority of the property owners on the streets which may be selected for the laying of pipes of any pipe line company. Such pipe line shall be located with all reasonable care and prudence, so as to avoid danger from bursting the pipes.

Line not to be located through or under buildings, yards, cemeteries, etc.

When line may be laid through or under streets.

§ 35. It shall not be necessary for any pipe line company to fence the lands acquired by them for the purposes of their incorporation. But if such lands be not enclosed by a substantial fence, the owner or owners of the adjoining lands from whom such lands were obtained, their heirs or assigns, may occupy and use such lands in any manner not injurious to the interests of such company and shall not be liable to such company therefor, or for any trespass upon such lands, except for willful or negligent injuries to such company's pipes, fixtures, machinery, or any personal property thereon. And in case such company shall keep such lands substantially enclosed they shall construct and provide all suitable and necessary crossings with gates for the use and convenience of any owners of lands adjoining the portions of lands of such company so enclosed, and no claim shall be made by such company against any owner of adjoining lands to make or contribute to the making or maintaining of any division fence between such adjoining lands and the lands of such company.

Where line is not enclosed, adjoining owners may use.

Crossings where line is enclosed.

In all cases where such company shall neglect to keep and maintain substantial fences along their lands, the owners of adjoining lands may construct and maintain all farm or division fences, and all line fences crossed by such pipe line in the same manner as though such company had not acquired such lands for such pipe line, and such company shall be liable for all injuries to such fences caused or done by any person acting for any officer or agent of such company, or by any laborer in their employ or in the employ of a contractor under such company.

Fences.

§ 36. The real estate and personal property belonging to any company formed under this act, in this state, shall be assessed and taxed in the several towns, villages and cities in the same manner as the real estate and personal property of railroad corporations are assessed and taxed, and such company may commute therefor and pay the same in the same manner as railroad corporations.

Taxation of property.

§ 37. Any company organized under the provisions of this act may take and hold any real estate in any other state, province or kingdom, which may be taken or acquired in any such state, province or kingdom, in pursuance of the laws thereof.

Real estate in other states.

Punish-
ment for
injury to
property.

§ 38. Any person who shall willfully injure or destroy any pipe or other property of such company shall be guilty of a misdemeanor, and on conviction thereof, may be punished by fine, not exceeding one thousand dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Company
may bor-
row mon-
ey and is-
sue
bonds.

§ 39. Any company formed under this act may, from time to time, borrow such sums of money as may be necessary for completing and finishing or operating their pipe line, and may issue and dispose of their bonds for any amount so borrowed, and may secure payment thereof by a mortgage upon their corporate real and personal property and franchises, and may confer on any holder of any bond issued for money borrowed for the purposes aforesaid, the right to convert the principal due or owing thereon into common stock of said company at any time within ten years after the date of such bond, under such regulations as the directors may see fit to adopt, but no such company shall borrow money for any purpose not mentioned in this section.

Oil com-
panies
formed
under ch.
113, Laws
1875, may
reorganize
under this
act.

§ 40. Any company heretofore organized under the provisions of chapter one hundred and thirteen of the laws of one thousand eight hundred and seventy-five, on filing in the office of the secretary of state a certificate signed by all the directors of said company, setting forth the date of such organization, the places from and to which they propose to construct their pipe line, the length of the same, and the amount of the capital stock of said company, as already fixed and that said company desires to become reincorporated under the provisions of this act, which certificate shall be verified by the president of such company, to the effect that all statements therein contained are true to his own knowledge; such company shall thereupon be and become a body corporate under the provisions of this act, and shall have all the powers and be subject to all duties and liabilities of corporations organized under this act, and shall be invested with and take, hold and convey any and all real estate and property owned by such company as fully and amply and to all intents and purposes the same as if said real estate and property had been purchased or acquired by such company after reorganization under the provisions of this act.

Monthly
statement.

§ 41. It shall be the duty of every corporation organized under this act to make monthly a specific statement showing the amount of all commodities received, the amount delivered during the month, and the stock on hand on the last day of each month of the year, and how much of said stock is represented by outstanding certificates, vouchers, receipts or orders, and how much in credit balances on the books of the said corporation. Such statement shall be made on or before the tenth day of the succeeding month, and sworn to by the president and secretary of the corporation that the same is in all respects true and correct; and such statement shall be filed within three days thereafter, in the county clerk's office in the county where the principal office of said corporation is located, and a true copy of the same posted in a conspicuous place in the office of said corporation for at least thirty days thereafter.

Property
not to be
received
for until in
possession.

§ 42. No receipt, certificate, voucher, or order of any kind shall be made, accepted or issued by any corporation formed under this act, for any commodity unless the said commodity represented by such receipt, certificate, voucher or order is actually in possession of said corporation at the time of such making, issuing or acceptance. Whenever any corporation formed under this act shall have parted with the possession of any commodity, and received therefor any order,

voucher, receipt or certificate, such order, voucher, receipt or certificate shall not be issued or used again, but shall be canceled with the word "canceled" stamped or printed legibly across the face thereof, and such canceled order, voucher, receipt or certificate shall be filed and preserved by said corporation and a record of the same kept by the secretary of said corporation. No petroleum or other commodity received for transportation by said corporation shall be delivered to any person or persons without the presentation and surrender of all vouchers, receipts, orders or certificates that have been issued or accepted for the same. Any person willfully violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, punished according to law.

Vouchers, receipts, etc., to be canceled.

Property to be delivered only on surrender of vouchers. Penalty for violation.

§ 43. No corporation formed under the provisions of this act shall be held or deemed to have acquired any vested rights thereunder as against the people of this state, but all companies so formed shall be subject to any and all changes made by any amendment hereto.

Act may be amended.

§ 44. It shall be the duty of the president and secretary of every corporation formed under this act, to report annually in the month of January in each year, to the state engineer and surveyor under oath, the amount of capital stock of the company, the amount actually paid in, the amount of all money expended during the year ending on the thirty-first day of December next proceeding the time of making such report, specifying the purposes for which such moneys have been expended, the amount received during such year, from all sources, specifying such sources the amount of dividends made and the amount of the indebtedness of such company, stating the object for which the indebtedness accrued a detailed statement of all the property of such company stating the nature and value thereof, and such particulars in respect to the business affairs of such company as the said state engineer and surveyor, or the legislature or either branch thereof, require to be so reported, and every corporation formed under this act which shall neglect to make such report as hereby required, shall forfeit to the people of this state, for every such neglect, the sum of two hundred dollars; and for every week, such corporation shall neglect to make such report, after the expiration of the time within which it is required as aforesaid, to make the same, it shall forfeit as aforesaid the further sum of fifty dollars. The state engineer and surveyor shall report to the attorney-general every such forfeiture by whom the same shall be sued for and recovered, with the costs, in the name of the people, and the certificate of the said state engineer and surveyor of any such neglect shall be presumptive evidence thereof.

Annual report.

Penalty for failing to report.

§ 45. The provisions of this act shall not apply to the city of New York.

§ 46. This act shall take effect immediately.

CHAP. 209.

Friends. AN ACT to amend chapter one hundred and eighty-four of the laws of eighteen hundred and thirty-nine, entitled "An act in relation to trusts for the benefit of the meetings of the religious society of Friends, passed April seventeenth, eighteen hundred and thirty-nine."

PASSED May 2, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1839,
ch. 184.
4 Edm. 428.

SECTION 1. Chapter one hundred and eighty-four, laws of eighteen hundred and thirty-nine, being an act entitled "An act in relation to trusts for the benefit of the meetings of the religious society of Friends, passed April seventeenth, eighteen hundred and thirty-nine," is hereby amended by the addition of three* new sections thereto as follows:

Death of
trustees.

§ 3. In case of the death of all the trustees heretofore appointed, or who may be hereafter appointed by virtue of this act, any regular meeting of the religious society of Friends, for whose use and benefit said property was held in trust, may appoint a trustee or trustees in the place of such person or persons, and the person or persons thus appointed by such meeting shall succeed to and be invested with all the powers, rights and duties conferred by this act and the deed or declaration of trust upon the trustee or trustees.

Sale of
property.

§ 4. The trustee or trustees, or survivor of any trustees, appointed pursuant to this act, may sell, convey and grant or demise any or all of the trust property described in said trust deed or declaration of trust to any person absolutely, or in trust for said meeting, whenever any meeting of said society shall by resolution direct the same to be sold and conveyed; any conveyance of real estate or property so held in trust by any meeting of the religious society of Friends, which may hereafter be made under and in pursuance of a resolution of the said meeting as provided herein, shall be as valid and effectual for the conveyance of the title of any real estate so held in trust, as if the heirs of any trustee who may have died prior to the passage of said resolution had joined in the execution of said conveyance or demise. Any instrument for the sale or demise of said property shall embody the said resolution of said meeting, relating to said sale or demise of said property, and shall be executed by the said trustee or trustees; and in said acknowledgment said trustee or trustees shall make an affidavit that the person or persons so executing said conveyance or demise are the trustee or trustees of said trust property, and that the said resolution embodied in said conveyance or demise was duly passed by said meeting; and the said affidavit thus made shall be prima facie evidence of the facts therein stated.

Deed what
to contain.

§ 2. This act shall take effect immediately.

* So in the original.

CHAP. 210.

AN ACT to confer additional powers upon corporations organized under chapter four hundred and thirty-eight, laws of eighteen hundred and sixty-two, entitled "An act to provide for the formation of societies for the prevention of horse stealing," and the several acts amendatory thereof.

Societies to prevent horse stealing.

PASSED May 2, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the powers now conferred by law upon corporations organized under chapter four hundred and thirty-eight, laws of eighteen hundred and sixty-two, entitled "An act to provide for the formation of societies for the prevention of horse stealing," and the several acts amendatory thereof, it shall be lawful for the president of any such corporation to appoint, by a certificate in writing, such number of patrolmen, riders, messengers or detectives, not exceeding five in number, as may be fixed by the by-laws of any such corporation. Such patrolmen, riders, messengers or detectives shall have full power and authority in the several counties of this state to pursue and arrest with a warrant issued by any magistrate authorized to issue the same, in the county where the offense was committed, any person suspected of having stolen any kind of property named in the first section of said act, and to take into custody and return the person so arrested to the county where the offense was committed, and before the magistrate issuing the warrant, to be by him dealt with as provided by law; provided, however, that the expenses incurred in making such arrests and return of any such persons shall be borne by the corporation causing the arrest to be made.

Amending Laws 1868, ch. 438. 3 Edm. 847. See also Laws 1878, ch. 61, ante, p. 522.

Patrolmen, detectives, etc.

§ 2. This act shall take effect immediately.

CHAP. 212.

AN ACT to establish the right of citizens of this state to carry on their business in all parts thereof.

PASSED May 3, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for the authorities of any county, city or village to impose upon the inhabitants of any other county, city or village within this state, carrying on or desiring to carry on any lawful trade, business or calling within the limits thereof, any restriction or condition whatever except such as may be necessary for the proper regulation of such trade, business or calling and such as apply equally and impartially to the citizens of all parts of the state alike, and all ordinances in violation of the provisions of this act are hereby declared to be null and void.

Citizens of state not to be restricted in right to carry on business in other parts of state.

§ 2. This act shall take effect immediately.

Amended by L. 1879, ch. 417, *post*, p. 790.

CHAP. 219.**AN ACT in relation to evidence in civil and criminal cases.**

PASSED May 7, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Evidence
of acts,
ordinan-
ces, etc.,
of munic-
pal corpo-
rations.
Amended
1879, ch.
211.

SECTION 1. Any act, ordinance, resolution, by-law, rule or proceeding of the common council of a city, or of the board of trustees of an incorporated village, or of a board of supervisors of any county within this state, and any recital of occurrences taking place at the sessions of any thereof may be read in evidence on any trial, examination or proceeding, whether civil or criminal, either from a copy thereof certified by the clerk of the city, village, common council or board of supervisors, or from a volume printed by authority of the common council of the city or board of supervisors of the county.

§ 2. This act shall take effect immediately.

See Co. Civ. Proc., § 941.

CHAP. 220.

Act relat-
ing to
milk.

AN ACT for the protection of dairymen and dealers in milk, and to prevent deception in the sale of milk.

PASSED May 7, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Skimmed
milk.

SECTION 1. Every person who shall sell, or who shall offer or expose for sale, any milk from which the cream, or any part thereof, has been removed, shall distinctly and durably mark, in letters not less than one inch in length, in a conspicuous place, above the centre, upon the outside of every can, vessel or package containing such milk, the words "skimmed milk," and such milk shall only be sold in or retailed out of a can, vessel or package so marked.

Sale of
milk out
of county
where pro-
duced.

§ 2. Every person who shall sell, or who shall offer or expose for sale, any milk, except in any county in which the same is produced, shall distinctly and durably mark with letters not less than one inch in length, in a conspicuous place, above the centre, on the outside of every can, vessel or package containing such milk, the name of the county from which the same is produced, and such milk shall only be sold in or retailed out of a can, vessel or package so marked.

Penalty.

§ 3. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and in addition thereto, be liable to a penalty of fifty dollars, and, on trial for such misdemeanor or penalty the sale or offer or exposure for sale of milk or articles contrary to the provisions of this act shall be presumptive evidence of knowledge by the accused of the character of the milk or article so sold or offered or exposed for sale, and that the can, vessel or package was not marked as required by this act.

§ 4. All penalties imposed under the provisions of this act may be recovered, with costs of suit, by any person or persons, in his or their own names before any justice of the peace in the county where the offense was committed, or where the defendant resides, or where such suit shall be brought, in the city of New York, before any justice of any of the district courts or the marine court of said city, or such penalties may be recovered in an action in the supreme court of this state by any person or persons in his or their own name, which action shall be governed by the same rules as other actions in said supreme court and said penalties when collected shall be paid by the court before which recovery shall be had, one-half to the prosecutor and the remainder to the overseer of the poor, for the use of the poor of the town in which the offense was committed, and in cities to the persons holding the like relations as overseer of the poor.

Penalties,
how recovered.

How penalties
divided.

§ 5. On the non-payment of the penalty, the defendant shall be committed to the common jail of the county for a period of not less than one day for each dollar of the amount of the judgment. Any court of special sessions in this state shall have jurisdiction to try and dispose of all and any of the offenses arising in the same county against the provisions of this act, and every justice of the peace shall have jurisdiction within his county of actions to recover any penalty hereby given or created.

Imprisonment.

Jurisdiction.

§ 6. This act shall take effect immediately.

See L. 1862, ch. 467, *ante*, vol. 3, p. 415, and vol. 6, p. 301.

CHAP. 222.

AN ACT to prevent fraud in the manufacture and sale of commercial fertilizers.

PASSED May 7, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Every person in this state who shall dispose of any commercial fertilizer, by sale or otherwise, shall affix to every barrel, sack, box or package thereof, in a conspicuous place on the outside thereof, a plainly written or printed certificate, bearing a name or trade-mark by which such fertilizer may be known and designated, and specifying the name and residence of the manufacturer or vendor and the date of the manufacture of such fertilizer. The said certificate shall also specify the percentages which such fertilizer contains, of phosphoric acid soluble in water, of total phosphoric acid of potash, of nitrogen soluble in water, and of total nitrogen or the equivalent ammonia.

Name of
trade-
mark to
be affixed.

§ 2. For failing to affix to every such barrel, sack, box or package, of fertilizer the certificate hereinbefore required, the party disposing of such barrel, sack, box, or package shall forfeit to the purchaser thereof the sum of one hundred dollars, and for affixing a false certificate to any barrel, sack, box or package of fertilizer, the party disposing of such barrel, sack, box or package, shall forfeit to the purchaser thereof the sum of two hundred dollars.

Penalty.

Certifi-
cate.

§ 3. Whenever a correct chemical analysis of any commercial fertilizer disposed of in this state, shall show a deficiency of not more than one-fourth of one per cent of any one of the chemical substances whose percentages are specified in the certificate hereinbefore required, such certificate shall not be deemed false within the meaning of this act.

Action for
forfeiture.

§ 4. For the recovery of the forfeitures provided in the second section of this act, the purchaser of any commercial fertilizer may bring an action which shall be tried in the county where said purchaser resides.

Definition.

§ 5. The term "commercial fertilizer," used in this act, shall be taken to mean any and every substance imported, manufactured, prepared or disposed of for fertilizing or manuring purposes; provided, however, that the provisions of this act shall not apply to marl or to fertilizers disposed of at one-half cent or less per pound, nor to guano, the chemical composition of which has not been changed by the vendor, or any other person since its importation.

When to
take
effect.

§ 6. This act shall take effect on the first day of August, eighteen hundred and seventy-eight.

CHAP. 228.

Dog tax.

AN ACT to amend chapter one hundred and ninety-seven of the laws of eighteen hundred and sixty-four, entitled "An act to amend the several acts relating to taxes upon dogs, so far as relates to the county of Ontario, and providing for the extension of the provisions thereof to the several counties of the state, by resolution of the respective boards of supervisors."

PASSED May 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1864,
ch. 197.
6 Edm. 240.

SECTION 1. Chapter one hundred and ninety-seven of the laws of eighteen hundred and sixty-four, entitled "An act to amend the several acts relating to taxes upon dogs, so far as relates to the county of Ontario, and providing for the extension of the provisions thereof to the several counties of the state, by resolution of the respective boards of supervisors" is hereby amended by adding thereto and inserting therein, after section four thereof, the following, as section five, namely:

Tax to pay
orders for
sheep
killed.

§ 5. Whenever the amount of the order or orders for damages, given by the town auditors to the owner or owners of sheep killed or injured by dogs, shall exceed the amount of the dog fund in the hands of the supervisor of such town, it shall be lawful for the board of supervisors to add to the accounts of said town, the amount of such order or orders then due and unpaid; but such sum shall in no case exceed the amount theretofore received into the dog fund of said town, and diverted therefrom for the purpose of building and repairing roads and bridges, or for the payment of contingent expenses of such town, for the three years next preceding the date of such order or orders.

Numbers.

§ 2. Sections five, six, seven, and eight of said act are hereby numbered respectively, six, seven, eight and nine.

§ 3. This act shall take effect immediately.

CHAP. 233.

AN ACT to amend chapter one hundred and fifty of the laws of eighteen hundred and thirty-seven, entitled "An act authorizing a loan of certain moneys belonging to the United States, deposited with the state of New York for safe keeping."

PASSED May 9, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirty-three of chapter one hundred and fifty of the laws of eighteen hundred and thirty-seven, entitled "An act authorizing a loan of certain moneys belonging to the United States, deposited with the state of New York for safe keeping," is hereby amended so as to read as follows:

Amending
Laws 1837,
ch. 150.
3 Edm. 78.

§ 33. When any land mortgaged to the said commissioners according to this act shall be exposed for sale as aforesaid, and no person shall bid at such sale for the said lands, a sum equal to the amount due on the mortgage for principal and interest, and the expenses of the advertisements and the sale; or if any person to whom any such lands shall at any such sale be struck off, shall not pay for the same, then and in every such case the said commissioners shall enter into and take possession of the said lands and premises, and let the same upon the best terms they can obtain for the benefit of the state, until the third Tuesday in September then next, and shall, on the same third Tuesday in September, sell the said lands and premises at public vendue to the highest bidder, giving at least six weeks previous notice of such sale, in the manner directed by the two next preceding sections of this act, and if, upon such sale, no person shall bid or offer to give for the said lands and premises, a sum equal to the amount due on the mortgage for principal and interest, including all costs and expenses; or if any person to whom any such lands and premises shall at any such sale be struck off, shall not pay for the same, then and in every such case, the said commissioners shall bid therefor in behalf of the people of this state, a sum not exceeding the amount at which the said lands shall be appraised by the appraisers hereinafter mentioned, in case such bidding shall be necessary to prevent the sale of such premises for a less sum; but if the mortgagor, or his or her heirs or assigns shall, at or before the sale of the mortgaged premises, pay to the said commissioners all such sums of money as shall be due and payable on such mortgage on the first Tuesday of October then next, for principal and interest, and costs and charges of foreclosure, as prescribed by this act, together with the charges of advertising the same, then the title in fee to said mortgaged premises shall revert to and reinvest in the said mortgagor, his or her heirs or assigns, and the said commissioners shall accept the said sums of money, and the costs and charges aforesaid, and permit the said owner, or his or her heirs or assigns, to take possession of the said mortgaged premises, and to hold the same until default shall be made in payment of any further sum on the said mortgage. The commissioners appointed by virtue of this act, and their successors, in making any sale of any mortgaged premises by virtue of this act shall not directly or indirectly be interested in the purchase of the mortgaged premises so sold or any part thereof. The said commissioners may, at any time before the sale of the mortgaged premises, bring and maintain action to restrain the commission of waste upon the mortgaged premises by the mortgagor, his heirs, devisees, assigns, grantors, or by any other person, and may also, at any time, bring an action to correct any mistake or omission in the description of the mortgaged premises, and may also, after default in said mortgage, maintain an action of trespass against any person who shall, at any time thereafter, and before actual sale of the mortgaged premises, cut or remove therefrom or injure any fence, building or other fixture. All purchases made contrary to the provisions of this section shall be void.

Sale of
land on
mortgage
to loan
commis-
sioners.

Redem-
ption by
mort-
gagor.

Commis-
sioners not
to be inter-
ested.

Waste
upon
premises.

Void pur-
chases.

§ 2. This act shall take effect immediately

CHAP. 237.

Butter and
cheese.

AN ACT to amend chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled 'An act to amend an act entitled 'An act to protect butter and cheese manufacturers, passed May second, eighteen hundred and sixty-four.'"

PASSED May 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws 1876,
ch. 161,
ante, p. 288.

SECTION 1. Section one of chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled 'An act to amend an act entitled 'An act to protect butter and cheese manufacturers,' passed May second, eighteen hundred and sixty-four,'" is hereby amended so as to read as follows :

7 Edm. 457.

§ 1. Section one of chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled an act to protect butter and cheese manufacturers, passed May second, eighteen hundred and sixty-four" is hereby amended so as to read as follows :

6 Edm. 300.

§ 1. Section one of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-four, entitled "An act to protect butter and cheese manufacturers," is hereby further amended so as to read as follows :

Diluted
and adul-
terated
milk.

§ 1. Whoever shall with intent to defraud, sell, supply or bring to be manufactured to any butter or cheese manufactory in this state, any milk diluted with water, or in any way adulterated, uncleanly or impure, or milk from which any cream has been taken, or milk commonly known as skimmed milk, or whoever shall keep back any part of the milk known as "strippings," or whoever shall knowingly bring or supply milk to any butter or cheese manufactory that is tainted or partly sour, or whoever shall knowingly bring or supply to any butter or cheese manufactory milk drawn from cows within fifteen days before parturition, or within three days after parturition, or any butter or cheese manufacturers who shall knowingly use or allow any of his or her employees, or any other person to use for his or her benefit or for their own individual benefit, any milk or cream from the milk brought to said butter or cheese manufacturer without the consent of all the owners thereof, or any butter or cheese manufacturer who shall refuse or neglect to keep, or cause to be kept, a correct account (open to the inspection of any one furnishing milk to such manufacturer) of the amount of milk daily received, or of the number of pounds of butter, and the number and aggregate weight of cheese made each day, of the number cut or otherwise disposed of, and the weight of each, shall for each and every offense forfeit and pay a sum not less than twenty-five dollars, nor more than one hundred dollars with costs of suit, to be sued for in any court of competent jurisdiction for the benefit of the person or persons, firm or association,

Penalty.

corporation, or their assigns upon whom such fraud or neglect shall be committed.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

See *Verona Cheese Co. v. Murtaugh*, 50 N. Y. 314.

CHAP. 239.

AN ACT to amend section twenty-eight, chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors." Supervisors.

PASSED May 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. Section twenty-eight, of chapter four hundred and eighty-two, of the laws of eighteen hundred and seventy-five, is hereby amended so as to read as follows: Amending Laws 1875, ch. 482, ante, p. 156.

§ 28. To authorize boards of trustees or of education in any union free school districts, or trustees of common school districts, established in conformity to the general or to any special law of the state, on the application of a majority of the taxable inhabitants of the district, voting on the question at a duly called meeting, to sell or exchange real estate belonging to the district, for the purpose of improving or changing school house sites, and to increase or diminish the number of members of said boards. School property.

§ 2. This act shall take effect immediately.

CHAP. 245.

AN ACT to amend article five of title one, chapter sixteen of part first of the Revised Statutes. Highways.

PASSED May 18, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one hundred and three of title one, article five of chapter sixteen of part first of the Revised Statutes, is hereby amended so as to read as follows: Amending 1 R. S. 521. 1 Edm. 481. Encroachments.

§ 103. In every case where a highway shall have been laid out or ascertained, described and entered of record in the town clerk's office, and all roads not recorded, which have been or shall have been used as public highways for twenty years or more, and the same have been or shall be obstructed in any manner or encroached upon by fences or 14 Wend. 250; 9 Johns. 359; 10 Hun. 405; 2 Hill. 472; 7 Wend. 391; 21 N. Y. 596.

otherwise, the commissioner or commissioners of highways of the town shall, if in his or their opinion it be deemed necessary, order such obstructions or encroachments to be removed, so that such highway may be of breadth originally intended. The commissioner or commissioners making the order shall cause the same to be reduced to writing and signed, and shall also give notice in writing to the occupant or owner of the land to remove such obstructions or encroachments within sixty days. Every such order and notice shall specify the breadth of the road originally intended, the extent of the obstruction or encroachment, and the place or places where the same shall be.

§ 2. Section one hundred and four is hereby amended so as to read as follows:

Penalty.
17 Barb.
480.

§ 104. If such removal shall not be made within the time above mentioned, the said commissioner or commissioners may summarily remove or cause to be removed, such obstructions or encroachments, and the owner or occupant of the premises to whom the notice shall be given, shall pay to such commissioner or commissioners all reasonable charges therefor, and shall forfeit the sum of fifty cents for each day that such obstruction or encroachments shall remain unremoved after the expiration of the time mentioned in said notice, which shall be collected by suit in justice's court, and shall be applied to the improvement of the roads and bridges of said town.

§ 3. This act shall take effect immediately.

The amendment of § 103 settles a question raised in 36 Barb. 488.

CHAP. 248.

School district officers.

AN ACT in relation to the election of officers in certain school districts.

PASSED May 13, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Election by ballot.

SECTION 1. In all school districts in this state in which the number of children of school age exceeds three hundred, as shown by the last annual report of the trustees to the school commissioner, all district officers, except the treasurer and collector of union free school districts, shall be elected by ballot.

Election when and where to be held.

§ 2. Such election shall be held on the second Wednesday of October in each year, between the hours of ten o'clock in the forenoon and two o'clock in the afternoon at the principal school-house in the district, or at such other suitable place as the trustees may designate. When the place of holding such election is other than at the principal school-house, the trustees shall give notice thereof, by publication of such notice at least one week before the time of holding such election, in some newspaper published in the district, or by posting the same in three conspicuous places in the district.

Notice. Amended by L. 1879, ch. 405, post, p. 737.

Inspectors.

§ 3. The trustees or board of education, or such of them as may be present, shall act as inspectors of election, and immediately after the close of the polls shall proceed to canvass the votes and declare the result. If any such district shall have but one trustee, the dis-

district clerk shall be associated with him as inspector. If a majority of the trustees shall not be present at the time for opening the polls, those in attendance may appoint any of the legal voters of the district present, to act as inspectors in place of the absent trustees. If none of the trustees shall be present at the time for opening the polls, the legal voters may choose three of their number to act as inspectors.

§ 4. The trustees shall, at the expense of the district, provide a suitable box in which the ballots shall be deposited as they are received. Such ballots shall contain the names of the persons voted for, and shall designate the office for which each one is voted. The ballots may be either written or printed, or partly written and partly printed. Ballot box.
Ballots.

§ 5. The district clerk, or clerk of the board of education, as the case may be, shall attend the election and record in a book to be provided for that purpose the name of each elector as he deposits his ballot. When the polls shall have been closed the inspectors shall first count the ballots to see if they tally with the number of names recorded by the clerk. If they exceed that number enough ballots shall be withdrawn to make them correspond. Any clerk who shall neglect or refuse to record the name of a person whose ballot is received by the inspectors, shall be liable to a fine of twenty-five dollars, to be sued for by the supervisor of the town. If the district clerk or clerk of the board of education shall be absent, or shall be unable or shall refuse to act, the trustees, inspectors of election, or board of education shall appoint some person to act in his place. Duty of clerk.

§ 6. If any person offering to vote at any such election shall be challenged as unqualified by any legal voter, the chairman of the inspectors shall require the person so offering to vote to make the following declaration: "I do declare and affirm that I am an actual resident of this school district, and that I am legally qualified to vote at this election." And every person making such declaration shall be permitted to vote; but if any person shall refuse to make such declaration, his ballot shall not be received by the inspectors. Any person who upon being so challenged shall willfully make a false declaration of his right to vote at such election, shall be deemed guilty of a misdemeanor and punished by imprisonment in the county jail for not less than six months nor more than one year. Any person who shall vote at such election, not being duly qualified, shall, though not challenged, forfeit the sum of ten dollars, to be sued for by the supervisor of the town for the benefit of the school or schools of the district. Challenges.
False oath

§ 7. All disputes concerning the validity of any such election, or of any votes cast thereat, or of any of the acts of the inspectors or clerk, shall be referred to the superintendent of public instruction, whose decision in the matter shall be final. Such superintendent may, in his discretion, order a new election in any district. Disputes as to election.

§ 8. The persons having the highest number of votes, respectively, for the several offices shall be declared elected, and the clerk shall record the declaration of the inspectors. In case two persons shall have an equal number of votes for the same office, the inspectors of election shall immediately choose one of such persons. If the inspectors cannot agree, the clerk shall decide the matter. Who to be declared elected.

§ 9. The annual meetings in the several districts shall be held as now provided by law for the purpose of transacting all business except the election of officers. Annual meeting.

§ 10. This act shall not apply to cities, or to districts organized under special acts of the legislature. Where act to apply.

CHAP. 249.

Incorporation of villages.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED May 18, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending Laws 1870, ch. 291.
7 Edm. 681.

SECTION 1. Subdivision three, of section three, of title three, of chapter two hundred and ninety-one, of the laws of eighteen hundred and seventy, being an act entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

Police.

Constables not to make charges in criminal proceedings.

3. To establish and maintain a police, and prescribe their powers and duties; and it shall not be lawful for any constable of the town or county in which any village incorporated under this act is situate, who shall hereafter be elected or appointed to make any charge against such village or the town or county in which the same is situate, for services rendered in or respecting any criminal arrests or proceedings before magistrates or courts of special sessions cases, trials or examinations in such village, where the subject matter thereof arose in such village, after the establishment and during the maintenance of a police in such village under this act. But no constable shall be required to perform any service for which he is herein prohibited from making a charge and to erect or procure or maintain a lock-up, or designate a place for the detention of persons arrested under this act, or under any by-law, rule or ordinance, and to confine said persons therein.

§ 2. This act shall take effect immediately.

CHAP. 251.

AN ACT to regulate the election of permanent members of the medical society of the state of New York.

PASSED May 13, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the medical society of the state of New York, to hereafter elect, annually, from each of the eight senatorial districts of this state, as said districts were established by the laws of eighteen hundred and thirty-six, permanent members, in the proportion of one permanent member to every eight delegates from the county societies, to which the district may be entitled, and one permanent member for every additional fraction of one-half or more of such number, provided that all permanent members so elected shall at the time of their election be residents of the districts which are credited with them, and shall be in good standing as active members of their county societies.

§ 2. All elections of permanent members of said society, had during the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, are hereby legalized, confirmed and declared valid.

§ 3. Nothing in this act contained shall affect the rights of any party to any suit or proceeding commenced prior to the passage of this act.

§ 4. Chapter eight of the laws of eighteen hundred and forty-five, entitled "An act to amend an act to incorporate medical societies for the purpose of regulating the practice of physic and surgery in this state, passed April tenth, eighteen hundred and thirteen," is hereby repealed.

Laws 1845,
ch. 8, re-
pealed.
Act, vol. 3,
p. 718.

§ 5. This act shall take effect immediately.

CHAP. 253.

AN ACT relating to the term of office of the supervisors of the counties of Albany, Livingston, Rensselaer and Monroe.

PASSED May 14, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisors of the several towns and wards in cities, in the counties of Albany, Livingston, Rensselaer and Monroe, to be hereafter elected, shall be elected and hold office for a term of two years.

Supervisors.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed, so far as the same apply to the counties of Albany, Livingston, Rensselaer and Monroe.

§ 3. This act shall take effect at the first election in eighteen hundred and seventy-nine.

Monroe county was exempted from the operation of this act by L. 1879, ch. 48.

CHAP. 255.

AN ACT in relation to the payment of assessments for local improvements in the city of New York.

PASSED May 14, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. At any time within two years after the passage of this act, any person liable therefor may pay to the officer authorized to receive the same the amount of any assessment for any local improvement in the city of New York heretofore confirmed and now unpaid, with interest thereon at the rate of eight per cent from the date of confirmation.

Payment
of past
due assess-
ments.

Installments.

§ 2. Where any installment or installments of any assessments have been paid under the provisions of chapter one hundred and three of the laws of eighteen hundred and seventy-six, or of chapter one hundred and fifty-nine of the laws of eighteen hundred and seventy seven, the amount of such assessment or assessments remaining unpaid may be paid within the time aforesaid, with interest thereon at the rate of eight per cent from the date of confirmation.

When to cease to be a lien.

§ 3. Upon such payment in full as hereinbefore provided, such assessment or assessments shall cease to be a lien upon the property, and shall be deemed fully paid, satisfied and discharged, and there shall be no further interest or penalty by reason of such assessment or assessments not having been paid within the time heretofore required by law, or by reason of any statute heretofore requiring the payment of any penalty or interest over the rate of eight per cent per annum upon any unpaid assessment.

Construction.

§ 4. No provision of this act shall be construed as applicable to or affecting any assessment for the collection of which assessment the property has been sold.

§ 5. This act shall take effect immediately.

CHAP. 256.

Coroners of New York.

AN ACT relating to the coroners of the city and county of New York, their duties and compensation.

PASSED May 15, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Salary.

SECTION 1. Each of the coroners of the city and county of New York, hereafter elected as provided by law, shall be paid in full satisfaction for his services a yearly salary of five thousand dollars, and shall be allowed for contingent expenses, including clerk and office hire, and all other incidental expenses, a sum not to exceed two thousand dollars per annum, which contingent and incidental expenses shall be audited and paid as the contingent and incidental expenses of other officers of the said city and county are audited and paid ; and said salary and allowance shall be in lieu of all his fees or compensation heretofore a charge upon the county of New York or the mayor, aldermen and commonalty of the city of New York.

What physicians to make inspection and autopsy.

§ 2. In all cases where the coroners of said city and county are authorized to issue a subpoena to a qualified physician to view the body of a person deceased, or make an autopsy thereon, as may be required, the subpoena of the coroner shall hereafter be issued only to one of the physicians appointed, as in this statute directed, and it shall be the duty of the physician to whom such subpoena is so issued, to make the inspection and autopsy required, and to give evidence in relation thereto at the coroners request.

Coroners' physicians.

§ 3. The board of coroners of the city of New York shall, within five days after the passage of this act, by a writing filed in their office and published in the City Record, appoint four qualified physicians who shall be residents in said city, to perform the duties in the preced-

ing section specified, and shall be known as "coroner's physicians." Thereafter each coroner of said city elected as provided by law, shall, on assuming office, appoint successors to the physicians herein provided for. Any vacancy in the office of coroner's physicians, shall be * filed by the board of coroners. The board of coroners, for cause, may remove the physicians appointed by them.

§ 4. It shall be the duty of the board of estimate and apportionment of said city, from time to time as it may determine, to fix the salary to be paid to the physicians appointed as in this statute directed for performing the duties herein provided. The salary to be paid to each of said physicians shall not in any one year exceed the sum of three thousand dollars. The salaries in this act provided for shall be paid monthly by the mayor, aldermen and commonalty of the city of New York.

Salary.

§ 5. Each of said coroners heretofore elected shall attend to an equal or proportionate part of the cases in which a coroner is required to act in said city and county; and after the thirty-first day of December, eighteen hundred and seventy-eight, there shall be paid to each of said coroners, during the remainder of his term of office, the fees or compensation now provided by law.

Duties.

Fees.

§ 6. So much of section one of chapter four hundred and sixty-two of the laws of eighteen hundred and seventy-one, as provides that "For making said external examination, the physician shall receive three dollars; for making such autopsy he shall receive ten dollars; and such sum shall be a county charge, and paid by the board of supervisors" is hereby repealed. The act chapter five hundred and sixty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to fix the compensation of the coroners of the city and county of New York," passed May four, eighteen hundred and sixty-eight, is also hereby repealed, but such repeal shall not take effect until the first day of January eighteen hundred and eighty.

Repeal of part of ch. 462. Laws 1871.

Repeal of ch. 565. Laws 1868.

§ 7. This act shall take effect immediately, except as herein otherwise specially provided.

CHAP. 261.

AN ACT to prevent accidents on railroads operated by steam power in the state of New York.

PASSED May 15, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any person or persons who shall get on or off a freight car or engine while in motion, or who shall ride on any wood or freight car, unless employed by or with permission from the proper officers of such railroad, or the person in charge of such car or engine, shall be deemed guilty of a misdemeanor, and shall be liable to a fine of twenty-five dollars or three months' imprisonment, or both fine and imprisonment.

§ 2. This act shall take effect immediately.

See L. 1880, ch. 870, *post*, p. 1002.

CHAP. 264.

Corporations.

AN ACT to authorize corporations organized under the laws of this state to reduce their capital stock. .

PASSED May 15, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

May diminish capital stock.

SECTION 1. Any corporation or company organized under general or a special law of this state, and now existing, or which may hereafter be organized under such general or special law, may diminish its capital stock, by complying with the provisions of this act, to any amount which may be deemed sufficient and proper for the purposes of the corporation. But nothing in this act shall be so construed as to relieve any holder or owner of stock in such corporation from any personal liability existing prior to such reduction; provided, that nothing in this act contained shall be construed to in any manner interfere with, or affect any law now in existence, authorizing any corporation heretofore organized to reduce its capital stock.

Proviso as to effect of act.

§ 2. Whenever any company shall desire to call a meeting of the stockholders for the purpose of diminishing the amount of its capital stock, it shall be the duty of the trustees or directors to publish a notice signed by at least a majority of them, in a newspaper in the county in which the business of the company is carried on, or its principal office is located, if any, shall be published therein, at least three successive weeks, and to deposit a written or printed copy thereof in the post-office, addressed to each stockholder, at his usual place of residence, at least three weeks previous to the day fixed upon, for holding such meeting, specifying the object of the meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to diminish the capital; and a vote of at least two-thirds of all the shares of stock shall be necessary to a diminution of the amount of its capital stock.

Notice of meeting to reduce stock.

Stock how reduced.

§ 3. If at the time and place specified in the notice provided for in the preceding section of this act, the stockholders shall appear in person or by proxy, in numbers representing not less than two-thirds of all the shares of stock of the corporation, they shall organize by choosing one of the trustees chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present in person or by proxy and if, in canvassing the votes it shall be found that a sufficient number of votes has been given in favor of diminishing the amount of capital, a certificate of the proceedings showing a compliance with the provisions of this act, the amount of capital actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be diminished, shall be made, signed and verified by the chairman, and such certificate shall be acknowledged by the chairman and filed in the office of the clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the secretary of state, with the approval of the comptroller endorsed thereon, to the effect that the reduced capital is sufficient for the proper purposes of the company, and is in excess of all debts and liabilities of the company, exclusive of debts secured by trust mortgages, and that the actual market value

of the stock of the company prior to the reduction of the capital, was less than the par value of the same, and when so filed the capital stock of such corporation shall be reduced to the amount specified in such certificate.

§ 4. This act shall take effect immediately.

See *Seoley v. N. Y. Exchange Nat. Bank*, Thompson's Nat. Bank Cases, 804.

CHAP. 274.

AN ACT in relation to trust companies and certain other moneyed corporations.

Trust companies and moneyed corporations.

PASSED May 18, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any trust company or other moneyed corporation required to report to the superintendent of the bank department by chapter three hundred and twenty-four of the laws of eighteen hundred and seventy-four, organized under the laws of this state, to reduce its capital stock to an amount which shall be equal to the value of the property and effects of such company, over and above its debts and liabilities, and thenceforth the capital stock of such company shall be such reduced amount, and the par value of the shares thereof shall be reduced in the same proportion; but in no case shall such capital stock be reduced below one hundred thousand dollars.

Reduction of capital stock. See § Edm. 895.

§ 2. Whenever a trust company shall propose to reduce its capital stock, due notice thereof shall be given to the superintendent of the bank department, signed by a majority of its board of trustees, and accompanied by the written assent, duly acknowledged or proven, to such reduction, of at least two-thirds in amount of the shareholders of such company, and it shall be the duty of the said superintendent, on the receipt and filing of such notice, and within a reasonable time thereafter, to make or cause to be made an examination of the books, property, effects and liabilities of such company, upon which examination the officers of such company may be examined on oath as to the debts, liabilities, property and effects thereof. From the result of such examination the said superintendent shall determine the value, in his judgment, of such property and effects, above and beyond the debts

Notice of reduction.

Examination of assets.

Certificate of value.

and liabilities aforesaid, and certify the same in writing; and the amount so determined and certified shall be thereafter the capital stock of such company, provided such amount be not less than one hundred thousand dollars, and the par value of the shares thereof shall be proportionably reduced.

Record of
certificate.

§ 3. The determination and certificate in writing of the superintendent of the amount to which the capital stock of any corporation has been reduced under this act shall be recorded in the office of the clerk of the county in which such company shall be located, and a certified copy thereof filed in the bank department of the state of New York, and the same shall be published by said superintendent at the expense of such company, once a week for six weeks successively, in the state paper, and at least one newspaper in the county in which such company shall be located.

Liability
of stock-
holder.

§ 4. Nothing in this act contained shall in any way change or affect the liability of the stockholders of any corporation reducing its capital stock to any of the creditors thereof for any indebtedness or engagement that may exist, either absolutely or contingently, against such company or stockholders, at the time when such reduction shall take place, nor shall the rights, remedies or securities of the then existing creditors be in any way weakened or impaired thereby.

Increase
of capital
stock.

How
made, etc.

§ 5. Any corporation that may reduce its capital stock under the provisions of this act, may, after such reduction has been made, increase its capital stock to a sum not exceeding the amount provided in the charter of such company, or any act amendatory thereof. Such increase shall be apportioned among the then stockholders of such company, who shall severally be notified in writing of such apportionment. And such notification shall be mailed to or delivered at the last known residence of each shareholder. And if they or any of them shall not within one month after service of such notice accept the amount so apportioned, then such increase or the amount not accepted by the stockholders may be sold and distributed by the board of trustees of such company in such manner as such board shall determine. Upon the payment to the company in money of such increased capital, the board of trustees shall certify to the said superintendent of the bank department the said increase of capital and the payment thereof, and it shall be the duty of the bank superintendent to require evidence satisfactory to him that the increased capital of such company has been actually paid in in money, and such proof shall be in writing and shall be filed in the bank department.

Power of
superin-
tendent of
bank de-
partment.

§ 6. Whenever it shall appear from any report of a trust company or other moneyed corporation which is required to report to the superintendent of the bank department by chapter three hundred and twenty-four, of the laws of eighteen hundred and seventy-four, or the superintendent shall have reason to believe that the capital of any such corporation is reduced by any cause below the sum fixed by its charter or by law, it shall be the duty of the superintendent, and he shall have power, to require such corporation to make good such deficit, and he shall have power to examine any such corporation, either personally or by persons appointed by him to ascertain the amount of such deficit or deduction of capital. If any such corporation shall refuse or neglect to make good the deficit found to exist for ninety days after such requisition has been made, it shall thereupon be the duty of the superintendent to report the facts to the attorney-general, whose duty it shall then become to institute such proceedings against such corporation as the nature of the case may require.

§ 7. It shall be the duty of the superintendent of the bank department to report annually to the legislature a summary of the state and condition of every trust company and other moneyed corporation required to report to him by chapter three hundred and twenty-four, laws of eighteen hundred and seventy-four, from which reports have been received during the preceding year; and such summary shall give the date to which such reports refer, the amount of capital returned by each of said corporations, the whole amount of its debts and liabilities, the total sum of its resources, and such other information as he may deem useful; and the bank superintendent shall also report to the legislature annually an abstract of the report of the regular examination of every such corporation made by his direction.

Superintendent to report annually.

§ 8. This act shall take effect immediately.

CHAP. 275.

AN ACT to amend chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the state of New York, and for the public defense, and entitled the Military Code."

Military Code.

PASSED May 18, 1878; three-fifths being present, and two-thirds of the members of each House present, concurring therein.*

See ch. 223, Laws 1875, ante, p. 90.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the state of New York, and for the public defense, and entitled the Military Code," is hereby amended so as to read as follows:

Amending Laws 1870, ch. 80, 7 Edm. 592.

§ 3. Under the direction of the commander-in-chief, and whenever he deems it necessary, and orders such enrollment to be made, all persons liable to military duty, other than members of the national guard, shall be enrolled by suitable persons, to be appointed by the commander-in-chief in each town and city of the state. Such enrollment shall distinctly state the name and residence of each person enrolled. Three copies of such enrollment shall be prepared by the person making it, and after the same have been corrected, as herein provided, one shall be filed in the office of the town or city clerk in which such enrolling person's district is situated, one shall be filed in the office of the clerk of the county wherein such district is situated, and one shall be filed in the adjutant-general's office. The person making such enrollment may, with the approval of the commander-in-chief, appoint one or more proper persons, to assist in making said enrollment and copying said rolls; the persons making such enrollment shall be compensated at the rate of two dollars and fifty cents per day for every day necessarily spent in making and copying the same; the number of days to be certified by the adjutant-general, and

Military enrollment.

How made.

Where filed.

Assistants.

Compensation.

*See § 6 of Article XI of the Constitution of the State of New York.

not to exceed ten, and the amount of such compensation to be paid by the comptroller upon production of such certificate, together with certificates of the town clerk, county clerk and adjutant-general, that the said rolls have been duly filed in their offices. Such rolls shall be so filed within ten days after the said enrollment shall be made; and the officer or person making such enrollment shall, at the time of making the same, serve upon each person enrolled, a notice, by delivery to him personally, or by leaving it with some person of suitable age and discretion at his place of residence, that he is enrolled as liable to military duty. All persons, except members of the national guard and of regularly organized fire companies or departments, claiming exemption from such duty, must on or before the fifteenth day then next ensuing file a written statement of such exemption, verified by affidavit, in the office of the county, town or city clerk, to be designated in said notice; blank notices for such purpose shall be furnished by the adjutant-general. Such clerk shall thereupon, if such person be exempt according to law, mark the word "exempt" opposite his name; and the remainder of all thus enrolled, and not thus found to be exempt, shall constitute the reserve militia of the state, and such clerk shall transmit a copy of such corrected roll to the adjutant-general. To the end that the members of the national guard and of regularly organized fire companies or departments shall not be thus enrolled, the commanding officer highest in rank in the national guard and in the fire department in each city or town shall, whenever an enrollment is ordered, file in the office of such county, town or city clerk a certified list of the names of all persons in his command.

§ 2. Section four of said act is hereby amended so as to read as follows:

Enroll-
ing
officer may
examine
assess-
ment rolls.

§ 4. For the purpose of preparing such enrollment, the assessors in each city, village, town or ward of this state, shall allow persons appointed for that purpose, as above provided, at all proper times, to examine their assessment rolls and to take copies thereof, and the clerks of all counties, towns and cities shall, in like manner, at all proper times, allow the said persons to examine and copy the poll lists on file in their offices.

§ 3. Section five of said act is hereby amended so as to read as follows:

Duty of
inn-
keepers,
etc.

§ 5. All hotel, inn or tavern keepers, keepers of boarding houses, persons having boarders in their families, and any master or mistress of any dwelling-house, shall, upon the application of any person authorized to make such enrollment, give information of the names of all persons residing or lodging in such houses, liable to be enrolled, and all other proper information concerning such persons as such authorized person may demand.

§ 4. Section six of said act is hereby amended so as to read as follows:

Penalty
for refus-
ing in-
formation.

§ 6. If any person of whom information is required by any such authorized person, in order to enable him to comply with the provisions of this act, shall refuse to give such information, or shall give false information, he or she shall forfeit and pay ten dollars for each item of information demanded of him or her by any such authorized person and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated; and every person who shall refuse to give his own name and proper information, when applied to by any such authorized person, or shall give a false name or information, shall forfeit and pay a like sum; such penalties to be

recovered in any court of competent jurisdiction, in the name of the people of the state of New York; and it is hereby made the duty of such authorized person to report the names of all persons who may incur any penalty in this section prescribed, to the district attorney of the district in which they reside, whose duty it shall be to prosecute the same; and any person against whom a judgment may be recovered for the said penalties shall be liable to arrest upon execution in the same manner and to like effect as executions against the person are now issued from courts of record of this state.

§ 5. Section seven of said act is hereby amended so as to read as follows:

§ 7. The commander-in-chief shall organize and arrange the state into such division districts as local circumstances and public convenience will permit; and he may alter, divide, annex, consolidate or disband the districts in his discretion, and retire any officer rendered supernumerary by any such alteration, division, annexation, consolidation or disbandment. The present division districts shall remain as now established, subject, however, to the power of the commander-in-chief to alter, divide, annex, consolidate, transfer or disband the same.

Organiza-
tion of
military
districts.

§ 6. Section eight of said act is hereby amended so as to read as follows:

§ 8. The national guard of the state of New York shall consist of the present uniformed militia, and such volunteers as shall enroll themselves or enlist therein, and shall be organized in such number of divisions, brigades, regiments, battalions, troops, batteries and companies, and of such arms of the service as the commander-in-chief may determine and designate. The present divisions, brigades, regiments, battalions, troops, batteries and companies shall remain as now established, subject however, to the power of the commander-in-chief to alter, divide, consolidate, transfer or disband the same; provided that the aggregate force of the same, in time of peace, fully armed, uniformed and equipped, shall not exceed the number of twenty thousand, non-commissioned officers, musicians and privates; but the commander-in-chief shall have power, in case of war, insurrection or invasion, or imminent danger thereof, to increase the force beyond the said twenty thousand, and organize the same as the exigencies of the service may require.

National
guards,
how com-
posed.

Aggregate
force.

When may
be in-
creased.

§ 7. Section nine of said act is hereby amended so as to read as follows:

§ 9. The commander-in-chief is authorized and empowered to appoint the brigade, regimental, battalion, troop, battery and company officers in the first instance, necessary to complete any organization hereafter created, and to fill all vacancies necessary to complete any organization now existing in the state, but not sufficiently organized for a selection.*

When
com-
mander-
in-chief
may ap-
point
officers.

§ 8. Section ten of said act is hereby amended so as to read as follows:

§ 10. The commandant of each division district is authorized and empowered to appoint the non-commissioned officers required by law for each company in his district, and to issue to such non-commissioned officers warrants of their appointment, which shall remain in force until the organization of the regiment or battalion is completed.

Appoint-
ment of
non-com-
missioned
officers.

§ 9. Section eleven of said act is hereby amended so as to read as follows:

* See *People v. Sampson*, 25 Barb. 264.

Officers of
troops,
batteries
and com-
panies.

§ 11. To every troop, battery or company of cavalry, artillery or infantry, there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians; and, to every troop or company of cavalry or infantry, there shall be from thirty to eighty-four privates, and to every battery of artillery there shall be from sixty-four to one hundred and four privates; and in the discretion of the commander-in-chief there may be added to the battery organization one first lieutenant, two sergeants, four corporals and one guidon, and to every troop of cavalry and battery of artillery there shall be one additional second lieutenant, and also one veterinary surgeon, with rank of sergeant-major.

§ 10. Section twelve of said act is hereby amended so as to read as follows :

Size of
com-
panies.

§ 12. Forty-six non-commissioned officers, musicians and privates shall be the minimum, and one hundred the maximum, of the troop and company organization of cavalry, infantry and Gatling battery; and eighty and one hundred and twenty of the same, the minimum and maximum of the battery organization of artillery; and all troop, battery and company officers shall use their best efforts to obtain volunteers and recruit their commands so that the minimum shall always be exceeded.

§ 11. Section thirteen of said act is hereby amended so as to read as follows :

Volun-
teers.
Terms.
Re-enlist-
ment.

§ 13. Volunteers may be received and enlisted in any troop, battery, or company; and they shall be enlisted in the first instance for a term of five years, and, on the expiration of that term, they may be re-enlisted, either immediately or at any time thereafter, for terms of one or more years, at the option of the volunteer; and the same privileges of re-enlistment shall be accorded to all persons who have been honorably discharged from the army or navy or volunteer force of the United States; but no person above the age of forty-five years shall be enlisted; and no person under the age of twenty-one years shall be enlisted without the consent of his parent or guardian; and no non-commissioned officer, musician or private shall leave one troop, battery or company to enlist in another, without the written consent of the commandant of the regiment or battalion, and of the commandant of the troop, battery or company to which he belongs, provided, however, that non-commissioned officers, musicians and privates who have changed their residence from one division district to another division district may enlist in a troop, battery or company of the division district into which they have removed, without such consent, and in that case they shall be dropped from the rolls of the troop, battery or company in which they were serving, and a certificate of their time of service therein shall be furnished to them; and, in case of re-enlistments, the whole time of service in both troops, batteries or companies shall be computed and allowed in determining the question of discharge after five years service. On their own application enlisted men (non-commissioned officers being first reduced to the ranks) may be transferred from one company to another in the same regiment or battalion by the commanding officer of the regiment or battalion. If the transfer be from one regiment or battalion to another in the same brigade, it must be ordered by the commanding officer of the brigade. If from brigade to brigade, in the same division, by the commanding officer of the division. If from division to division by the commander-in-chief. In cities or villages, where there are no

Limits as
to age.

Change
from one
company
to
another.

Dis-
charged
after re-
enlist-
ment.
Transfer-
red from
one com-
pany to
another.

regimental or battalion organizations of infantry, separate companies of that arm of the service may be organized, to be attached to brigades or divisions; and all the provisions of the military code relating to separate troops or batteries shall apply to such separate companies of infantry, except as herein otherwise provided.

Separate
com-
panies.

§ 12. Section fourteen of said act is hereby amended so as to read as follows:

§ 14. Each regiment of cavalry, artillery and infantry shall consist of not less than eight nor more than ten companies, one colonel, one lieutenant-colonel, one major, one adjutant with rank of first lieutenant, one quartermaster with rank of first lieutenant, one commissary of subsistence with rank of first lieutenant, one surgeon with rank of captain, one assistant surgeon with rank of first lieutenant, one chaplain with rank of captain, who shall be a regularly ordained minister of some religious denomination, one inspector of rifle practice with rank of captain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one ordnance-sergeant, one hospital steward, and one drum-major, one band-leader (if it have a band), with rank of sergeant, two sergeant standard bearers, and two general guides with rank of sergeant; and in addition to the foregoing, each regiment of cavalry and artillery shall have one major, and each regiment of cavalry shall have one veterinary surgeon with rank of second lieutenant, and one saddler-sergeant.

Regt-
ments.

§ 13. Section fifteen of said act is hereby amended so as to read as follows:

§ 15. The battalion organization shall consist of not more than seven nor less than four companies, one lieutenant-colonel, one major, one adjutant with rank of first lieutenant, one quartermaster with rank of first lieutenant, one commissary of subsistence with rank of first lieutenant, one surgeon with rank of captain, one chaplain with the rank of captain, who shall be a regularly ordained minister of some religious denomination, one inspector of rifle practice with rank of captain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one ordnance-sergeant, one hospital steward, and one drum-major, one band leader (if it have a band), with rank of sergeant, two sergeant standard bearers, and two general guides with rank of sergeant; and each battalion of cavalry shall have an additional major, a veterinary surgeon with rank of second lieutenant, and one saddler-sergeant. Whenever any regiment shall fall below the number of eight companies, it may be reorganized as a battalion.

Bat-
tallions.

§ 14. Section eighteen of said act is hereby amended so as to read as follows:

Reorgan-
ized regi-
ments as
battalions.

§ 18. Any officer, non-commissioned officer, musician or private who may change his residence from within the bounds of any division into an adjacent county, shall not thereby vacate his office or post, but he may be held to duty in the division, brigade, regiment, battalion, troop, battery or company to which he was attached at the time of such change of residence, and shall be eligible to promotion, election or appointment to office therein, and shall be entitled to all privileges, immunities and exemptions allowed by law, and shall be liable to fines and penalties, and the collection of them, in the same manner as if such change of residence had not taken place, and process for the collection of such fines and penalties may be executed in any county in the state; provided, however, that non-commissioned officers, musicians and privates may avail themselves of the provisions relating to

Change of
residence.

their change of residence from one division district to another, contained in section thirteen.*

§ 15. Section twenty of said act is hereby amended so as to read as follows :

Existing companies. § 20. All existing uniformed companies of the national guard in any city or village shall be deemed to be organized under the provisions of this act, provided that each such company is of the minimum strength required by section twelve of this act.

§ 16. Section twenty-one of said act is hereby amended so as to read as follows :

When battalions may be organized. § 21. Whenever four uniformed companies of infantry shall be organized in the first instance in any of the division districts of this state, the commander-in-chief may organize them into a battalion, and order an election to be held for the choice of suitable persons to fill the offices of lieutenant-colonel and major in such battalion, by directing some suitable officer to give the proper notice of such election, and to preside thereat.

§ 17. Section twenty-two of said act is hereby amended so as to read as follows :

Brigadier-general, election of. § 22. As soon as the field officers of two or more regiments or battalions in any of the division districts of the state shall be duly chosen and commissioned, the commander-in-chief shall order an election to be held for the choice of a suitable person to fill the office of brigadier-general in such brigade, by directing some suitable officer to give the proper notices of such election, and preside thereat, unless such brigadier-general shall already have been elected or appointed as provided by this act.

§ 18. Section twenty-four of said act is hereby amended so as to read as follows :

Super-numerary officers. § 24. Commissioned officers rendered supernumerary by consolidation, alteration or disbandment of regiments, battalions, troops, batteries or companies, or in any other lawful manner, shall be exempt from jury duty and also from military duty, except in case of war, insurrection or invasion ; provided they shall, within one year from the date of being rendered supernumerary and yearly thereafter, report themselves as such to the adjutant-general ; and the commander-in-chief may assign to active duty supernumerary officers who have so reported to the adjutant-general, and when on such active duty, they shall enjoy all the privileges, emoluments and immunities to which commissioned officers of the same grade, in the national guard, on active duty, are entitled.

§ 19. Section twenty-six of said act is hereby amended so as to read as follows :

Inspector-general. § 26. The inspector-general shall have the rank of brigadier-general ; and in the corps of inspectors-general there shall be an assistant inspector-general with the rank of colonel, and such acting assistants as shall be required may be appointed by the inspector-general, with the approval of the commander-in-chief, who shall hold office during the pleasure of the inspector-general ; and to each division an inspector with the rank of lieutenant-colonel, and to each brigade an inspector with the rank of major.

§ 20. Section twenty-eight of said act is hereby amended so as to read as follows :

Engineer-in-chief. § 28. The engineer-in-chief shall have the rank of brigadier-general ; and in the corps of engineers there shall be to each division an

* See *People v. Smith*, 23 N. Y. 58.

engineer, with the rank of lieutenant-colonel; and to each brigade an engineer with the rank of major.

§ 21. Section twenty-nine of said act is hereby amended so as to read as follows:

§ 29. The judge-advocate-general shall have the rank of brigadier-general; and in the corps of judge-advocates there shall be to each division a judge-advocate with the rank of lieutenant-colonel; and to each brigade a judge advocate with the rank of major.

Judge-advocate-general.

§ 22. Section thirty of said act is hereby amended so as to read as follows:

§ 30. The surgeon-general shall have the rank of brigadier-general; and in the medical corps there shall be to each division a surgeon with the rank of lieutenant-colonel; to each brigade a surgeon with the rank of major; and to each regiment a surgeon with the rank of captain, and an assistant surgeon with the rank of first lieutenant; and to each battalion a surgeon with the rank of captain; all of whom shall be graduates of some incorporated school of medicine, and commissioned by the commander-in-chief on the recommendation of the surgeon-general.

Surgeon-general.

§ 23. Section thirty-two of said act is hereby amended so as to read as follows:

§ 32. The paymaster-general shall have the rank of brigadier-general; and in the paymaster's corps there shall be an assistant paymaster-general with the rank of colonel, and so many paymasters with the rank of major, as the exigencies of the service may require; to be appointed by the commander-in-chief, on the recommendation of the paymaster-general, and hold their offices during the pleasure of the commander-in-chief.

Paymaster-general.

§ 24. Section thirty-five of said act is hereby amended so as to read as follows:

§ 35. The commander-in-chief is authorized and empowered, in his discretion, to make such changes in the organization of the several staff corps as he may deem expedient, and to prescribe, by rules and regulations, the appointment of and the duties to be performed by the officers of such corps, which shall conform to those that are prescribed for the government of the staff corps of the army of the United States in so far as it is practicable; and in time of war, insurrection or invasion, or imminent danger thereof, and when the exigencies of the service shall require, the commander-in-chief may appoint and commission, not exceeding three, additional aids on his staff, with the rank of colonel; and also, such number of assistants, with the rank of colonel, lieutenant-colonel, or major, in the several staff corps, as in his judgment shall be necessary; but such assistants shall hold their commissions only during the pleasure of the commander-in-chief, and during the term of service of the chief of the staff corps in which they shall be appointed; and the commander-in-chief may detach officers of the general staff from their special service, and detail them for other duties whenever he deems it expedient to do so; and he may also impose upon them additional duties by giving them acting appointments for such purpose.

Changes in staff corps.

Additional staff in war times.

§ 25. Section thirty-six of said act is hereby amended so as to read as follows:

§ 36. The adjutant-general shall keep a roster of all the officers of the military forces of the state, containing the date of their commissions, their rank, the division, brigade, regiment, battalion, troop, battery or company to which they belong, and the places of their

Roster of officers.

residence, as accurately as can be ascertained, which roster shall be revised and corrected every year; and he shall also enter into a book, to be kept for that purpose, a local description of the several division districts.

§ 26. Section forty-two of said act is hereby amended so as to read as follows:

Duty of
inspector-
general.

§ 42. It shall be the duty of the inspector-general to visit, at least once in every two years, each regiment and battalion in the state. He shall critically inspect, as often as he may deem necessary, every branch connected with the military service, including armories, arsenals and military store-houses; and he shall report to general head-quarters the improvement in discipline and tactical instruction of the national guard, as well as other matters appertaining to his department.

§ 27. Section forty-seven of said act is hereby amended so as to read as follows:

Division
and brig-
ade in-
spectors.

§ 47. The division and brigade inspectors, whenever required by the inspector-general, shall report to him the condition of their respective divisions or brigades, and shall also, upon his request, report to him upon any matter properly belonging to his department, which may require examination within their respective division districts.

§ 28. Section fifty-two of said act is hereby amended so as to read as follows:

Sale of
damaged
stores.

§ 52. He shall, under the direction of the commander-in-chief, dispose of, to the best advantage, all damaged powder, and all ordnance, arms, ammunition, accoutrements, tools, implements and warlike stores of every kind whatsoever, that shall be deemed unsuitable for the use of the state, after a proper inspection by an officer of his department.

§ 29. Section fifty-four of said act is hereby amended so as to read as follows:

Military
property
how is-
sued.

§ 54. On the requisition of any commanding officer, transmitted through his intermediate commanders, and having their approval, the chief of ordnance, with the approval of the commander-in-chief, shall issue to such commanding officer for the use of his command, such military property of the state, belonging to the ordnance department, as the said command is entitled to, and as may be found necessary for its use, and, under the direction of the commander-in-chief, he may make purchases for such purpose.

§ 30. Section fifty-five of said act is hereby amended so as to read as follows:

Division
and brig-
ade ord-
nance
officers to
make re-
port.

§ 55. The division and brigade ordnance officers shall annually report to the chief of ordnance the condition of the ordnance, arms, implements and other equipments in use by the organizations attached to their respective divisions or brigades, and the commandants of regiments and battalions and of separate troops, batteries and companies shall annually, on or before the thirtieth day of September, make a return to the chief of ordnance of the number and condition of all the arms and equipments and ordnance stores in their possession, under such regulations as he may prescribe.

§ 31. Section sixty-four of said act is hereby amended so as to read as follows:

Staff of
com-
mander-
in-chief.

§ 64. The staff of the commander-in-chief shall consist of the adjutant-general, who shall be chief of staff, the inspector-general, the chief of ordnance (who shall be the commissary-general named in the constitution), the engineer-in chief, the judge-advocate-general, the

surgeon-general, the quartermaster-general, the paymaster-general, the commissary-general of subsistence, the general inspector of rifle practice, three or more aides-de-camp, with the rank of colonel and a military secretary with the rank of colonel; all of whom, except the chief of ordnance, shall be appointed by the governor, and their commissions shall expire with the term for which the governor appointing them shall have been elected.

§ 32. Section sixty-five of said act is hereby amended so as to read as follows:

§ 65. Major-generals shall be entitled to two aides-de-camp with the rank of major, and one aide-de-camp with the rank of captain; and brigadier-generals to one aide-de-camp with the rank of captain, and one aide-de-camp with the rank of first lieutenant, in addition to the staff officers hereinbefore provided for.

Aides to major and brigadier-generals.

§ 33. Section sixty-six of said act is hereby amended so as to read as follows:

§ 66. Major-generals, brigadier-generals and commanding officers of regiments or battalions shall appoint, subject to the provisions of section sixty-nine of this act, the staff officers of their respective divisions, brigades, regiments or battalions, whose term of office, unless they are reappointed, shall expire when the officers appointing them shall retire from office; provided, however that they shall continue in office until their successors shall be appointed and have qualified.

Staffs of divisions, brigades, etc.

§ 34. Section sixty-seven of said act is hereby amended so as to read as follows:

§ 67. Sergeant-majors, quartermaster-sergeants, commissary-sergeants, ordnance-sergeants, hospital stewards, drum-majors, band leaders, sergeant standard bearers and general guides shall be appointed by the commanding officer of the regiment or battalion to which they belong, by warrant under the hand of such commanding officer, and shall hold their offices during his pleasure.

Non-commissioned staff. Amended by L. 1880.

§ 35. Section sixty-nine of said act is hereby amended so as to read as follows:

§ 69. The commissioned officers of the national guard shall be commissioned by the governor, but he may, in his discretion, withhold such commission in order to determine the qualifications of the person for the office to which he shall have been elected or appointed, except in the case of aides-de-camp; and, if upon reference to the inspector-general, or an examining board or in the case of a staff officer, other than aides-de-camp, upon reference to the chief of the staff corps to which he belongs, who shall examine the person elected or appointed and report thereon, such person shall be adjudged unqualified for such office, another person shall within twenty days after due notice of such adverse decision, be elected or appointed, and, in default of such election or appointment, the vacancy shall be filled by the commander-in-chief. No commissioned officer can be removed from office, unless by the senate, on recommendation of the governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, or retiring or examining board or pursuant to law.* But, whenever any regiment shall fall below the minimum strength, as is established by this act, and the same shall have been designated as a battalion the colonel shall be relieved from command of such battalion and rendered supernumerary, unless otherwise ordered by the commander-in-chief.

Commissions of officers. Examinations.

Removals from office.

When colonels may be retired.

* See *People v. Scrugham*, 25 Barb. 216; *People v. Ewen*, 17 How. Pr. 375.

§ 36. Section seventy of said act is hereby amended so as to read as follows:

Super-
numerary
officers.

§ 70. In case of the election or appointment of a supernumerary officer who has complied with the requirements of section twenty-four of this act, to office in a regiment, battalion, troop, battery or company, he may be commissioned with rank from the same date as that conferred by his previous commission for like office; and the commander-in-chief may assign any supernumerary officer of sufficient rank, who has complied with the requirements of section twenty-four of this act, to fill a vacancy on the staff of any major-general or brigadier-general or commandant of regiment or battalion who requests the same.

§ 37. Section seventy-nine of said act is hereby amended so as to read as follows:

Elections
for
officers.

§ 79. The presiding officer at any election for commissioned officers shall keep the polls open at least one hour after the time appointed for holding the same, unless all entitled to vote thereat shall have deposited their ballots prior to the expiration of that hour. He shall then publicly canvass the votes received from the electors for the officers to be elected, and shall forthwith declare the result, and give notice to every person elected of his election. If such person shall not, within ten days after being notified of his election, signify to such officer his acceptance, he shall be considered as declining the office to which he shall have been chosen, and an election shall be held for a new choice.

Accept-
ance of
office.

§ 38. Section eighty-one of said act is hereby amended so as to read as follows:

Vacancies
by elec-
tion.

§ 81. If at any election an officer, then in commission, shall be elected to fill a vacancy, and shall accept the office to which he may be elected, the electors present, if authorized by law, may proceed to elect a person to fill the place of the officer so promoted.

§ 39. Section eighty-six of said act is hereby amended so as to read as follows:

Examina-
tion of
offices
elect.

§ 86. The commanding officers of brigades shall transmit the names of persons duly elected and approved, or appointed to offices in their respective brigades, to the commander-in-chief, to the end that commissions may be issued to them. But, before making such transmittal, the commandant of brigade shall require the persons so elected and may require those appointed, to be examined with respect to their qualifications and fitness to fill the offices to which they have been elected or appointed by a board of examiners consisting of three commissioned officers in the brigade, above the rank of captain, to be appointed by the commandant of the brigade. On the report of such board of examiners, the commandant of the brigade shall approve or disapprove of the person elected or appointed, and state his reasons therefor, in transmitting the return of the election or appointment. And, if the commander-in-chief shall adjudge the person unqualified for the office, another person shall, within twenty days after due notice of such adverse decision, be elected or appointed, and in default of such election or appointment, the vacancy shall be filled by the commander-in-chief.

§ 40. Section ninety-two of said act is hereby amended so as to read as follows:

Election
for non-
commis-
sioned
officers.

§ 92. Such election for non-commissioned officers shall be directed and conducted by the commanding officer of such troop, battery or company for the time being, who shall certify the names of the persons elected to the commanding officer of the regiment or battalion to

which the troop, battery or company belongs, or in the case of a separate troop, battery or company, to the commandant of the division or brigade to which such separate troop, battery or company is attached, who shall decide upon the legality of the election, and shall issue warrants to the persons duly elected. But before issuing such warrants, the commandant of the regiment or battalion to which the troop, battery or company belongs, or in the case of a separate troop, battery or company, the commandant of the brigade or division to which it is attached, shall require the persons so elected to be examined with respect to their qualifications and fitness to fill the offices to which they have been elected, by a board of examiners consisting of three commissioned officers, to be appointed by the commandants of regiments, battalions, brigades or divisions, as the case may be, respectively; and if, on the report of such board of examiners, the commandant of the regiment, battalion, brigade or division, as the case may be, shall adjudge the person so elected unqualified for the office, another person shall, within ten days after due notice of such adverse decision, be elected, and in default of such election, the vacancy shall be filled by the commandant of the regiment, battalion, brigade or division, as the case may be.

Examination of non-commissioned officers.

§ 41. Section ninety-six of said act is hereby amended so as to read as follows:

§ 96. Resignations of commissioned officers shall be in writing, directed to the adjutant-general, and transmitted immediately by all intermediate commanders who will indorse the same with their approval or disapproval. No officer shall be considered out of the service on the tender of his resignation, nor until it shall have been accepted by the commander-in-chief.

Resignations.

§ 42. Section one hundred of said act is hereby amended so as to read as follows:

§ 100. Except as provided in section eighteen of this act, every officer who shall be absent from his command, twelve months without leave of the commanding officer of his division or brigade, or, in case of a major-general or brigadier-general, without leave of the commander-in-chief, shall be considered as having vacated his office, and a new election shall be held, or a new appointment made, without delay, to fill the vacancy so created.

Absence of officers.

§ 43. Section one hundred and one of said act is hereby amended so as to read as follows:

§ 101. The commander-in-chief is hereby authorized, so often as he may deem that the good of the service requires, to appoint a military board or commission of not less than three nor more than five officers, to sit at such places as he shall direct, which board is hereby invested with the powers of courts of inquiry and courts-martial; and it shall be the duty of the said board to examine into the physical ability, moral character, capability, attainments, general fitness for the service, and efficiency of such commissioned officers, as the commander-in-chief may order to be thus examined. And the commandants of divisions, brigades, regiments or battalions may report to the adjutant-general any of their subordinate commissioned officers for such examination. If the decision of said board be unfavorable to such officers, and be approved by the commander-in-chief, they shall be discharged from the service; provided, always, that the members of said board shall, before entering upon the duties of their position, be sworn to an honest and impartial performance of those duties, such oath to be taken by the ranking officer of said board according to the

Retiring board.

Members to be sworn.

What officers in-eligible. provisions of section eighty-eight of this act, and such ranking officer shall then administer a like oath to each of the other members of said board; and provided further, that no officer whose rank or promotion would in any way be affected by the decision of said board, in any case that may come before it, shall participate in the examination or decision of the board in such case; and that two of its members shall be of at least equal grade with the officer to be examined; and that no officer shall be examined on irrelevant subjects, or in reference to military matters relating to a grade higher than that for which he is commissioned. The officers constituting such board shall receive the same pay and allowances for traveling expenses as members of court-martial.

Pay.

§ 44. Section one hundred and thirteen of said act is hereby amended so as to read as follows:

Uniform fund.

§ 113. In lieu of uniforms and equipments being furnished by the state to non-commissioned officers and privates, as heretofore provided by law, there shall annually be paid by the state to the military fund of each regiment, battalion and separate troop, battery or company of infantry, for the purpose of aiding the non-commissioned officers, musicians and privates of said organizations in procuring their uniforms and equipments, a sum equal to eight dollars for each of its non-commissioned officers, musicians and privates, who paraded during the year preceding, fully uniformed, armed and equipped, according to the provisions of this act, at least seven different times, four of which, in the case of regiments and battalions, shall have been on the occasion of the parade of the whole organization. And in order to determine the amount of money to which each regiment, battalion, separate troop, battery or company will be entitled under the provisions of this section, the commandant of each regiment, battalion and separate troop, battery or company, shall transmit to the adjutant-general, during the month of December, and prior to the fifteenth day thereof in every year, a roll giving the name and description of each non-commissioned officer, musician and private in his command who paraded at least seven different times, as hereinbefore specified, stating the occasions, during the year next preceding the said month of December, which roll the said commandant shall certify to on honor.

Annual return of parades.

Fund how paid.

And for the purpose of paying the said sums of money, the comptroller shall draw his warrants upon the treasurer in favor of the county treasurers, in the same manner as is provided in section one hundred and seventy-eight of this act, on the certificate of the adjutant-general and inspector-general, approved by the commander-in-chief, showing the amount that each regiment, battalion, separate troop, battery or company is entitled to. The said money, thus appropriated for uniforms and equipments shall be held sacred and inviolate for such purpose, and shall not, in any event, be expended for any other; provided, however, that uniforms and equipments may be furnished to new organizations, in the first instance, directly by the state. But the provisions of this section and the next preceding one relating to equipments, shall not apply to the enlisted men of the cavalry and artillery, except in so far as their personal equipments are concerned.

Not to be used for other purposes.

Exception as to cavalry and artillery.

§ 45. Section one hundred and fourteen of said act is hereby amended so as to read as follows:

Selling or secreting arms, etc., punishment for.

§ 114. Whoever shall secrete, sell, dispose of, offer for sale, or retain after proper demand made, or in any manner pawn or pledge any arms, uniforms or equipments, which shall have been issued under the

provisions of the military code, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than one, nor more than two months, or by a fine of not more than one hundred nor less than fifty dollars, and any member of the national guard who shall, when not on duty, wear any such uniform or equipments without the permission of his commanding officer shall be subject to a fine of not more than ten dollars, which fine shall be forthwith paid over to the county treasurer for the uniform and equipment fund of the regiment, battalion, separate troop, battery or company to which said arms, uniforms or equipments belonged: and it is hereby made the duty of any police justice in any city or incorporated village of this state, and of any justice of the peace, upon complaint duly made upon affidavit, showing a violation of this section, to issue a warrant for the arrest of the offender, and to cause him to be brought before such police justice or justice of the peace, to be dealt with according to law.

§ 46. Section one hundred and twenty-one of said act is hereby amended so as to read as follows:

§ 121. The expense of erecting or renting such armories and for providing the necessary camp stools, apparatus and fixtures for heating and lighting, and the fuel and gas or oil for the same, and water closets in such building, and for properly preserving from injury the arms, equipments, uniforms and records stored therein, by the construction of suitable lockers, closets, gun racks and cases for uniforms, equipments, arms and records, and for the maintenance thereof in good and safe repair, shall be a portion of the county charges of such county, and shall be levied, collected and paid in the same manner as other county charges are levied, collected and paid. But no moneys shall be appropriated, or expense incurred for furnishing or decorating any building erected or rented under the provisions of this act.

Expense of armories, etc., how paid. Amended by L. 1880.

§ 47. Section one hundred and twenty-two of said act is hereby amended so as to read as follows:

§ 122. In case such armory shall not be erected or rented by the supervisors for the use of such troop, battery or company, within three months after the proper application has been made therefor, and there shall have been a meeting of the board of supervisors, or in case such armory so erected or rented by the supervisors, shall, upon inspection by the inspector-general, be certified by him to be unfit or inadequate for use as an armory, the commandant of the regiment or battalion, or, in the case of a separate troop, battery or company, the commandant of the brigade or division to which such separate troop, battery or company is attached, in his discretion, with the approval of the inspector-general, may rent a room or building, to be used as an armory, and the amount of annual rent thereof, provided the same shall not exceed the sum of five hundred dollars for each troop, battery or company in the several cities of this state, and two hundred and fifty dollars for each troop, battery or company not located in cities, shall be a county charge, and shall be levied, collected and paid by such supervisors in the same manner as other county charges are levied, collected and paid.*

When commandants may rent armories.

§ 48. Section one hundred and twenty-seven of said act is hereby amended so as to read as follows:

§ 127. Any person who shall willfully injure any arsenal or armory, or its fixtures, or any uniforms, arms or equipments, or any other

Punishment for

Injury to
armory or
property.
Wine or
liquor in
arsenals.

property therein deposited, shall be deemed guilty of a misdemeanor; and any person who shall introduce any wine, spirituous or malt liquor into any state arsenal, or who shall allow the selling thereof in any armory used by any part of the national guard, shall, upon conviction, be deemed guilty of a misdemeanor, and punished by a fine of not less than fifty nor more than one hundred dollars, or imprisonment in the county jail or prison for not less than thirty nor more than one hundred days. But nothing herein contained shall be so construed as to prevent the introduction thereof when prescribed for medical purposes by a surgeon of the national guard.

§ 49. Section one hundred and thirty of said act is hereby amended so as to read as follows:

Annual inspection and muster.
Amended by L. 1880.

§ 130. An annual inspection and muster of all general and staff officers, and of all organizations of the national guard, shall be made at such time and place, between the first day of May and the first day of November, as the commander-in-chief shall order and direct. No person shall be mustered at the annual muster and inspection, or be permitted in the ranks on any parade or drill required by this act, who does not appear uniformed, armed and equipped suitably to the troop, battery or company to which he belongs, and according to the provisions of this act; and all members of the national guard who shall appear without such suitable uniform, arms and equipments at any parade or drill required by this act, shall be returned as absent and fined accordingly. Such inspection and muster shall be made by the inspector-general, assistant inspector-general, or an acting assistant inspector-general, of each commissioned and non-commissioned officer, musician and private present and absent, and four muster-rolls shall be officially certified to by such inspector, in accordance with such regulations and restrictions as may be prescribed by the commander-in-chief. And the said inspector shall, within fifteen days after the day of muster and inspection, file one of the said muster-rolls in the office of the adjutant-general, one with the commandant of the regiment or battalion, one with the commandant of the troop, battery or company, and retain one for filing in the office of the inspector-general.

§ 50. Section one hundred and forty-eight of said act is hereby amended so as to read as follows:

Brigade inspection.

§ 148. The commandant of each brigade, accompanied by the officers of the brigade staff, uniformed, armed and equipped, as the law and regulations direct, shall annually inspect and review the several regiments and battalions in his brigade.

§ 51. Section one hundred and forty-nine of said act is hereby amended so as to read as follows:

Annual return to inspector-general.
Amended by L. 1880.

§ 149. It shall be the duty of commandants of troops, batteries or companies, twenty days prior to the annual muster and inspection, to furnish the inspector-general with four copies of a muster-roll and inspection return, which will show the names and rank or grade of all the officers, non-commissioned officers, musicians and privates belonging to such troop, battery or company, upon such form as may be prescribed by the commander-in-chief, and which will also show:

1. The number of uniforms belonging to said troop, battery or company.

2. The arms and equipment in the possession of said troop, battery or company.

§ 52. Section one hundred and fifty of said act is hereby amended so as to read as follows:

§ 150. It shall be the duty of each commandant of a regiment or

battalion, twenty days prior to the annual inspection, to furnish the inspector-general with three copies of a muster-roll and inspection return of the field and staff officers, non-commissioned staff officers and musicians of said regiment or battalion, and each general officer shall furnish like rolls of his staff officers within the said time.

§ 53. Section one hundred and fifty-one of said act is hereby amended so as to read as follows: Amended by L. 1880.

§ 151. At all encampments, the brigade commander may attend on the first day thereof to superintend, as drill officer, the exercises and manœuvres, and to introduce the system of discipline which is or shall be prescribed by law. Brigadier may attend encampments.

§ 54. Section one hundred and fifty-two of said act is hereby amended so as to read as follows:

§ 152. In order to secure a proper accountability of each member, and also for the security of the property issued by the state, the annual inspection and muster-rolls of each troop, battery and company, and of each regiment and battalion, shall be examined and compared by the inspector-general with the muster-in-rolls, or the last muster and inspection rolls of the several companies, batteries, troops, battalions and regiments; and the annual appropriation of money provided by section one hundred and seventy-eight of this act shall be allowed to such regiments, battalions, troops and batteries, and separate companies only as shall make a proper return of such rolls, and upon the certificate of the inspector-general that such rolls make a satisfactory exhibit of the number of the organization and of the state property issued thereto. Muster and inspection rolls to be compared.

§ 55. Section one hundred and fifty-three of said act is hereby amended so as to read as follows:

§ 153. It shall be the duty of the inspector-general, within thirty days after the annual musters and inspections in each year, to transmit to the adjutant-general a report of such musters and inspections of the several organizations of the national guard, uniformed, armed and equipped according to law and regulations. And the inspector-general shall make a like report with respect to the musters and inspections of the commanding officers of divisions and brigades and their respective staffs, uniformed, armed and equipped according to law and regulations. Inspector-general to report annual musters and inspections.

§ 56. Section one hundred and fifty-four of said act is hereby amended so as to read as follows:

§ 154. In case any general officer or any member of his staff shall neglect to attend such annual muster and inspection as he is required to attend by this act, it shall be the duty of the adjutant-general to require such officer to render an excuse in writing to the commander-in-chief for his delinquency. If the commander-in-chief shall deem such excuse insufficient, he shall order a court-martial to try the delinquent. Failure of officer to attend muster.

§ 57. Section one hundred and fifty-five of said act is hereby amended so as to read as follows:

§ 155. The commandants of divisions shall discharge the duties, possess the powers and be liable to the penalties pertaining to their office, as granted by law or military custom, provided that no division parades, except in case of invasion, insurrection, or to aid the civil authorities, shall be ordered without the consent of the commander-in-chief. Divisions.

§ 58. Section one hundred and fifty-seven of said act is hereby amended so as to read as follows:

Camps of instruction.

§ 157. There may be a camp of instruction in any of the division districts of this state, if the commander-in-chief shall so order, to be held at such time and in such manner as he shall direct; and the commander-in-chief is hereby authorized and empowered to order commissioned officers, companies, batteries, troops, battalions and regiments in such division districts, respectively, to attend such camps as he may deem proper, but in such manner that all the commissioned officers, companies, batteries, troops, battalions and regiments therein shall be ordered to attend such camp from year to year in rotation, as nearly as may be practicable; provided, always, that not more than ten thousand men in any one year shall be ordered to attend said camps; and, in case suitable ground cannot be found in such district for said camp, the same may be held in the adjoining district. Such camps shall continue for a period not exceeding ten days, and shall be governed by the rules and regulations of the army of the United States.

§ 59. Section one hundred and fifty-nine of said act is hereby amended so as to read as follows:

Command of camp of instruction.

§ 159. The commander-in-chief may designate commissioned officers of proper rank, without regard to division districts, to command such camps, forts, or other places, and may assign such other officers, also without regard to division districts, to duty as field and staff officers and instructors, as may be required to fully officer such camps and forts.

§ 60. Section one hundred and sixty-two of said act is hereby amended so as to read as follows:

Subsistence.

§ 162. The commissary-general of subsistence shall, under the orders of the commander-in-chief, provide the subsistence necessary for said forces when so encamped or stationed, or when ordered into actual service.

§ 61. Section one hundred and sixty-four of said act is hereby amended so as to read as follows:

Pay while in actual service.

§ 164. The military forces of this state, when in the actual service of the state in time of war, insurrection, invasion or imminent danger thereof, shall, during their time of service, be entitled to the same pay, rations and allowances for clothing, as are or may hereafter be established by law for the army of the United States; provided, however, that the commander-in-chief may, in his discretion, change the pay to that specified in the next succeeding section.

§ 62. Section one hundred and sixty-five of said act is hereby amended so as to read as follows:

Pay, rate of.

§ 165. There shall be paid to such officers, non-commissioned officers, musicians and privates, as shall be ordered into actual service or to attend encampments, and sea and lake coast defense duty, in pursuance of the provisions of this act, not to exceed the following sum each, for every day actually on duty:

1. To all musicians and privates, one dollar.
2. To all non-commissioned officers, one dollar and fifty cents.
3. To all commissioned officers of the line, below the rank of captain, two dollars.
4. To all commanding officers of companies, three dollars.
5. To all field officers, below the rank of colonel, four dollars.
6. To all commanding officers of regiments or battalions, five dollars.
7. To all regimental and battalion staff officers, two dollars and fifty cents, and to all non-commissioned staff officers, one dollar and fifty cents.

8. To all brigade-generals, six dollars.
9. To all brigade staff officers, four dollars.
10. To all major-generals, eight dollars.
11. To all division staff officers, five dollars.
12. All mounted officers and all members of any troop of cavalry or battery of artillery, mounted and equipped, shall be paid two dollars per day for each horse actually used by them.

§ 63. Section one hundred and sixty-six of said act is hereby amended so as to read as follows:

§ 166. There shall be allowed to inspectors, as compensation for their services in making the annual inspections and musters and for making proper rolls and returns thereof, the sum of five dollars for each troop, battery and company so inspected and mustered; and the same, when certified to by the inspector-general, shall be audited and paid in the same manner as other military accounts are audited and paid.

Compensation of inspectors Amended by L. 1880.

§ 64. Section one hundred and seventy of said act is hereby amended so as to read as follows:

§ 170. The commanding officer of every troop, battery or company which shall have been ordered into actual service or camp, or to perform sea and lake coast defense duty, in accordance with the provisions of this act, shall at the close of the actual service or of the term for which such troop, battery or company shall have been ordered to such camp or duty, make out an alphabetical roster or list of the members of his troop, battery or company who shall have appeared and performed such duty, uniformed, armed and equipped, as the law and regulations direct, and shall set opposite to each name the number of days each shall have performed duty, and the amount of pay each is entitled to receive for such service, and deliver the same, certified on oath to be correct and true, to the commanding officer of the camp or post, who shall immediately cause the same to be transcribed in a book or books to be kept by him for that purpose; such troop, battery or company commandant shall also set forth, opposite to the name of each member of his troop, battery or company, whether such member is indebted to the state in any and what amount, and the nature of the indebtedness.

Return of men in actual service or at camp.

§ 65. Section one hundred and seventy-five of said act is hereby amended so as to read as follows:

§ 175. There shall be allowed and paid out of the treasury, on the certificate of the president and the judge-advocate, to each division, brigade and special judge-advocate, and to the president and members of any court of inquiry or court-martial for the trial of officers, a sum equal to one day's pay for field duty, for each day he may be actually employed in said court, or engaged in the business thereof, or in traveling to and from the court, provided, however, in no case to exceed ten days' pay, and his actual traveling expenses; and to every marshal appointed by any such court, two dollars for every day, not exceeding fifteen, actually employed in the execution of the duties required of him; the same to be paid in like manner with other military accounts.

Pay for members of courts-martial.

§ 66. Section one hundred and seventy-seven of said act is hereby amended so as to read as follows:

§ 177. All officers, non-commissioned officers, musicians and privates of the national guard, while on duty or assembled therefor, pursuant to the order of the sheriff of any county, or the mayor of any city, in cases of riot, tumult, breach of peace, resistance to process, or

Pay of troops while on duty at request of

sheriff or
mayor.

whenever called upon in aid of the civil authorities, shall receive the compensation provided by the one hundred and sixty-fifth section of this act; and such compensation, and the necessary expenses incurred in subsisting, quartering and transporting the troops, shall be audited, allowed and paid by the supervisors of the county where such service is rendered, and shall be a portion of the county charges of said county, to be levied and raised as other county charges are levied and raised.

§ 67. Section one hundred and seventy-eight of said act is hereby amended so as to read as follows:

Regimental
battalion and
company
fund, payment of.
Amended
by L. 1880.

§ 178. The comptroller shall annually draw his warrant upon the treasurer in favor of the county treasurer of each county for the sum of one thousand five hundred dollars for each regiment, and the sum of one thousand dollars for each battalion, and the sum of one thousand dollars for each separate mounted battery, and the sum of two hundred dollars for each separate battery not mounted, and the sum of six hundred dollars for each separate troop of cavalry, and the sum of three hundred dollars for each separate company of infantry, certified by the adjutant-general to be organized according to the provisions of this act, within the county; or in case any regiment, battalion or separate troop, battery or company of infantry is organized in two or more counties, then the comptroller shall draw his warrant in favor of such county treasurer as the adjutant-general may in his certificate direct; which sums, and also those paid in like manner by the state, in lieu of furnishing uniforms and equipments, as provided in section one hundred and thirteen of this act, together with the fines collected from delinquent officers, non-commissioned officers, musicians and privates, shall constitute the military fund of such regiment, battalion or separate troop, battery or company of infantry.

§ 68. Section one hundred and eighty-two of said act is hereby amended so as to read as follows:

County
treasurer to make
semi-annual re-
port.

§ 182. Each county treasurer shall report, on the first day of March and September in every year, to the adjutant-general, and also to the commandants of the divisions and brigades whose commands are in part or in whole in his county, the amount of all moneys received and paid out by him on account of each regimental, battalion or separate troop, battery or company fund, and the balance then remaining in his hands, and the number or designation of the regiment, battalion or separate troop, battery or company for which the same is held in trust, stating distinctly in such report the amounts received and paid out by him on account of uniforms and equipments for each such organization. And the bond now required by law to be given by county treasurers for the faithful discharge of their duties shall be held to apply to any moneys that may come into their hands under the provisions of this act.

County
treasurers'
bond.

§ 69. Section one hundred and eighty-three of said act is hereby amended so as to read as follows:

Rules and
regulations.

Clerk
hire, etc.
Amended
by L. 1880.

§ 183. The commander-in-chief is empowered to prescribe such rules and regulations as he may deem necessary to secure a proper disposition of, and accountability for, the regimental, battalion and separate troop, battery or company funds. And on the approval of the commander-in-chief, accounts for clerk hire and other necessary expenses at headquarters of divisions and brigades, when audited by the adjutant-general, shall be paid from the general fund of the state appropriated for military purposes; provided, however, that the amount of such accounts in any one year shall not exceed the sum of

one thousand dollars for a division, and five hundred dollars for a brigade.

§ 70. Section one hundred and eighty-four of said act is hereby amended so as to read as follows:

§ 184. Courts of inquiry, to consist of one officer of at least equal grade with the officer in relation to whom the court is instituted, may be ordered by the commander-in-chief, or by the commanding officer of a division, in relation to those officers for whose trial they are authorized to appoint courts-martial, for the purpose of investigating the conduct of any officer, either by his own solicitation or on a complaint or charge of improper conduct, degrading to the character of an officer, or for the purpose of settling rank. Whenever the officer in relation to whom the court of inquiry is instituted, belongs to an organization in any brigade, the judge-advocate of that brigade shall attend such court, take testimony and investigate the complaint that may come before it. In all other cases the division judge-advocate shall attend.

Courts of inquiry.

Judge-advocate.

§ 71. Section one hundred and eighty-seven of said act is hereby amended so as to read as follows:

§ 187. All other courts-martial for the trial of commissioned officers shall consist of three officers, and except as hereinafter provided, shall be ordered by the commanding officer of the division; provided, however, that, in all cases, no member of the court shall be of less grade than the accused; and also provided, that, where the division commander is the accuser, the court shall be ordered by the commander-in-chief. And in all courts-martial and courts of inquiry, the accused shall have the right to appear and be heard by counsel.

Courts-martial how composed.

Counsel.

§ 72. Section one hundred and ninety-four of said act is hereby amended so as to read as follows:

§ 194. The proceedings and sentence of every court-martial for the trial of commissioned officers shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove thereof, within fifteen days thereafter, and shall give notice of his approval or disapproval to the president of such court-martial, and to the arresting officer, and he shall publish the sentence, as approved or disapproved, in orders; but no part of such sentence shall be executed until after the time allowed for appeal has expired, and he shall also transmit such proceedings and sentence, and his approval or disapproval thereof, to the adjutant-general, to be filed in his office.

Approval of proceedings and sentence.

Sentence.

§ 73. Section one hundred and ninety-five of said act is hereby amended so as to read as follows:

§ 195. The right of appeal to the commander-in-chief, as it now exists by military usage, is reserved; but no appeal shall be received, unless made within twenty days after the decision appealed from has been announced in published orders; and all appeals from the decision of a court-martial, approved by the commandant of a division or brigade, for the trial of commissioned officers shall be made to the commander-in-chief.

Appeals.

§ 74. Section one hundred and ninety-nine of said act is hereby amended so as to read as follows:

§ 199. Such court shall direct a non-commissioned officer, or other fit person or persons, to be by him designated, to summon all delinquents and parties accused to appear before the court, at a time and place to be by him appointed, which service shall be personal, or by leaving such summons for such delinquents and parties accused, as provided in section one hundred and forty-two of this act.

Summons to delinquents. Amended by L. 1880.

§ 75. Section two hundred and two of said act is hereby amended so as to read as follows:

Approval
of pro-
ceedings
and sen-
tence.

§ 202. The proceedings and sentence of any such court shall, without delay, be delivered to * to the officer ordering the court, who shall approve or disapprove of the same within fifteen days thereafter, and shall publish in orders, his approval or disapproval thereof; and from the sentence of any such court, imposing a fine or penalty for any offense, delinquency or deficiency, an appeal, if made within twenty days after the fine or penalty has been announced in published orders, shall be allowed to the officer ordering the court, or to his successor in command, and he may remit or mitigate such penalty or fine.

Appeal.

§ 76. Section two hundred and seven of said act is hereby amended so as to read as follows:

Fines and
penalties.
Amended
by L. 1880.

§ 207. Every commissioned officer, and every non-commissioned officer, musician and private, shall, on due conviction, be subject, for the following offenses, to the fines and penalties thereto annexed:

1. Every commissioned officer, for non-attendance at any drill, parade or encampment, and every such officer, non-commissioned officer, musician or private, neglecting or refusing to obey the orders of his superior officer on any day of drill, parade or encampment, or to perform such military duty or exercise as may be required, or departing from his colors, post or guard, or leaving his place or ranks without permission, or making a false entry upon a muster roll, or knowingly muster as a soldier a substitute or a person who is not a regularly enlisted soldier in and a member of his command, or making a false entry upon a score blank or return of rifle practice, or knowingly permitting a substitute to shoot in the name of a member of his command, or refusing or neglecting to grant the discharge provided for in section two hundred and fifty-four of this act, a fine of not more than one hundred, nor less than five dollars.

2. Every non-commissioned officer, musician and private, for non-appearance, when duly warned or summoned at a troop, battery or company parade, a fine of two dollars for each day, and in case of a troop parading mounted, a fine of six dollars for each day; at a regimental or battalion parade, drill or encampment, not less than one nor more than six dollars for each day; and at a place of rendezvous, when called into actual service, in case of war, insurrection or invasion, or imminent danger thereof, a sum not exceeding twelve months' pay, nor less than one months' pay; and for disobedience of orders, or disrespectful or insubordinate conduct, a fine not exceeding fifty dollars, and also, in the discretion of the court, the offender shall be liable to expulsion from the command to which he belongs.

3. Every commissioned officer or non-commissioned officer, for neglecting or refusing to obey any order or warrant to him lawfully given or directed, or to make a proper return thereof, if such return be necessary, or making a false return, or neglecting or refusing, when required to summon a delinquent before a court-martial, or duly to return such summons, a fine of not more than one hundred nor less than five dollars.

§ 77. Section two hundred and eight of said act is hereby amended so as to read as follows:

Fine for
refusing
to act as
officer.

§ 208. Every commissioned officer, for neglecting or refusing to act as such, when duly commissioned, may be sentenced to pay a fine of not less than one hundred nor more than two hundred and fifty

* So in the original.

dollars; every non-commissioned officer, for neglecting or refusing to act as such, when duly appointed or elected and warranted, may be sentenced to pay a fine of not less than ten nor more than twenty-five dollars; and every non-commissioned officer, for neglect of duty or disorderly or unsoldierly-like conduct, in addition to other penalties, may be reduced to the ranks by the commandant of the regiment or battalion, and in the case of a separate troop, battery or company, by the commandant of the brigade or division to which such separate troop, battery or company is attached.

Non-commissioned officers.

§ 78. Section two hundred and fourteen of said act is hereby amended so as to read as follows:

§ 214. For the purpose of collecting any fines or penalties imposed by any court-martial authorized by this act, the president of the court shall, within fifteen days after the expiration of the time in which an appeal is allowed as provided in section two hundred and two of this act, make a list of all the persons fined, describing them distinctly, and showing the sums imposed as fines or penalties on each person, and shall draw his warrant under his official signature, directed to any marshal of the court, or to the sheriff or constable of any city or county (as the case may be), thereby commanding him to levy such fines or penalties, together with the costs, on the goods and chattels of such delinquents, and, in default of sufficient goods and chattels to satisfy the same, then to take the body of such delinquent and convey him to the common jail of such city or county, whose jailer shall keep the said delinquent closely confined, without bail or mainprize, for two days for any fine or penalty not exceeding two dollars, and two additional days for every dollar above that sum, unless the fine or penalty, together with the cost and the jailer's fees, be sooner paid; but no such imprisonment shall extend beyond the period of twenty days; provided, however, that the prisoner may be liberated at any time by order of the commandant of the division, upon the application of the commandant of the brigade to which he belongs. No property shall be exempt from the payment of such fines or penalties.

Fines and penalties, how collected. Amended by L. 1880.

§ 79. Section two hundred and twenty-nine of said act is hereby amended so as to read as follows:

§ 229. Whenever the sentence of any court-martial shall be appealed from, which appeal shall always be made within twenty days after the decision appealed from is made known in published orders, such court, or the president thereof, shall forthwith furnish the officer, to whom such appeal is taken, with a statement of the case, and of the evidence touching the same.

Appeals.

§ 80. Section two hundred and thirty-five of said act is hereby amended so as to read as follows:

§ 235. The chiefs of each division and brigade staff, and the adjutants of regiments or battalions, and the commandants of separate troops, batteries or companies, shall, on or before the fifteenth day of January in each year, return to the commandants of such division and brigade, respectively, the names of all commissioned officers absent from any parade, encampment, drill or meeting for instruction during the preceding year. Within ten days after the receipt of such returns, the respective commandants of divisions or brigades, as the case may be, shall order courts-martial for the trial of such officers for such delinquencies, which courts-martial shall consist of three officers, and be ordered, if for the trial of officers above the rank of captain, by the commandant of the division, and for the trial of all other officers, by the commandant of the brigade; provided, however, that in all

Returns of absent officers. Amended by L. 1880.

Courts-martial for delinquent officers.

cases no member of the court shall be of less grade than the delinquent, and that for the trial of officers of any regiment, or separate troop, battery or company attached to a division, the court shall be ordered by the commandant of the division, and for the trial of officers of any separate troop, battery or company attached to a brigade, the court shall be ordered by the commandant of the brigade. It shall not be necessary to cause the arrest of such absentee, nor to serve any charges, unless, in the discretion of the officer ordering the court, it may be deemed proper; but the delinquent may be fined, pursuant to the provisions of this act, provided he shall have appeared before the court without objection, or notice of the return and of the time appointed for holding the court-martial shall have been delivered to him, or left at his dwelling-house, store, counting-house, or usual place of business, at least ten days before the assembling of said court. The proceedings and sentences of such court-martial, with the order of the officer ordering the court, approving or disapproving the same, shall be transmitted to the adjutant-general without delay.

§ 81. Section two hundred and thirty-eight of said act is hereby amended so as to read as follows :

Volun-
teers in
case of in-
surrec-
tion, etc.

§ 238. In case of insurrection or invasion, or imminent danger thereof, the commander-in-chief may, by proclamation or otherwise, order and direct the commandants of such companies as he shall designate, to accept sufficient volunteers, should the same offer, to raise companies and maintain the same at the maximum number provided by this act; and if sufficient volunteers should not offer, then a sufficient number shall be drafted from the reserve militia, in the manner hereinafter provided, who shall thereupon be enrolled in said companies, and shall be liable to duty in case the military forces of the state should be called into service.

§ 82. Section two hundred and thirty-nine of said act is hereby amended so as to read as follows :

Com-
mander-in-
chief
may order
national
guards
into ser-
vice of
state.

§ 239. The commander-in-chief shall have power, in case of insurrection, invasion or breaches of the peace, or imminent danger thereof, to order into the service of the state any of the companies, batteries, troops, battalions, regiments, brigades or divisions of the national guard, or of other militia of the state that he may deem proper, and under the command of such officers as he shall designate; and in such case the forces so called into service shall receive the same pay as is provided in either sections one hundred and sixty-four or one hundred and sixty-five of this act, as the commander-in-chief shall determine.

§ 83. Section two hundred and forty of said act is hereby amended so as to read as follows :

When
command-
ant of di-
vision may
order out
troops.

§ 240. In case of insurrection or invasion, or imminent danger thereof, within the limits of any division, it shall be the duty of the commandant of such division to order out, for the defense of the state, the national guard or any part thereof, under his command, and immediately report what he has done, and the circumstances attending the same, to the commander-in-chief, through the adjutant-general.

§ 84. Section two hundred and forty-two of said act is hereby amended so as to read as follows :

When
sheriffs
and
mayors
may call
for aid.

§ 242. In case of any breach of the peace, tumult, riot, or resistance to process of this state, or imminent danger thereof, it shall be lawful for the sheriff of any county, or the mayor of any city, to call for aid upon the commandant of any division, brigade, regiment, battalion, troop, battery or company; and it shall be the duty of the commanding officer of the division, brigade, regiment, battalion,

troop, battery or company, upon whom such call is made, to order out, in aid of the civil authorities, the military force, or any part thereof, under his command, and he shall immediately report what he has done and all the circumstances attending the same to the commander-in-chief through his intermediate commanders, and in such case it shall not be necessary for commandants of troops, batteries or companies to issue written orders or notices for calling out their men, but verbal orders and notices shall be sufficient.

§ 85. Section two hundred and forty-seven of said act is hereby amended so as to read as follows:

§ 247. All officers, non-commissioned officers, musicians and privates, in cases of riot, tumult, breach of the peace, resistance to process, or whenever called upon in aid of the civil authorities, shall receive the compensation provided by section one hundred and sixty-five of this act and shall be subsisted, quartered and transported; and every person who shall be wounded or disabled in such service shall be taken care of and provided for at the expense of the county where such service shall be rendered, and all the expense attending such use of the troops shall be a county charge, to be levied and collected as other county charges are levied and collected.

Compensation in case of riot, &c.

§ 86. Section two hundred and fifty-two of said act is hereby amended so as to read as follows:

§ 252. The rules and regulations prescribed in general orders number seventeen, series of eighteen hundred and seventy-six, dated general head-quarters, state of New York, November seventeenth, eighteen hundred and seventy-six, except in so far as they conflict with this act, are hereby ratified and confirmed; and the commander-in-chief is hereby authorized to make such changes and alteration in said rules and regulations, from time to time, as he may deem expedient; but such rules and regulations shall conform, as nearly as practicable to those governing the United States army, and not conflict with the provisions of this act.

Rules and regulations.

§ 87. Section two hundred and fifty-three of said act is hereby amended so as to read as follows:

§ 253. Every non-commissioned officer, musician and private of the national guard originally enlisting shall be held to duty therein for the term of five years, and in case of re-enlisting, for the term for which he re-enlists, unless disability after enlistment shall incapacitate him to perform such duty, and he shall be regularly discharged in consequence thereof by the commandant of his regiment, battalion, separate troop, battery or company; provided, however, that every such non-commissioned officer, musician and private shall continue held to duty, and shall retain his rank and be eligible to promotion, after the expiration of his term of enlistment or re-enlistment, so long as he or the commandant of his troop, battery or company omits to apply for his discharge, as provided in the next succeeding section; and on such application being made, his discharge shall not be granted until the expiration of three months from the date of the application except when the application is made by the commandant of his troop, battery or company, in which case the discharge may be granted immediately; and also further provided that every non-commissioned officer, musician and private who enlisted prior to the first day of May, eighteen hundred and seventy-five, shall serve the whole length of the term for which he enlisted.

Term of service in national guard. Amended by L. 1890.

Every commissioned officer, and every non-commissioned officer, musician and private of the national guard shall be exempt from Jury duty.

Discharge.

jury duty during the time he shall perform military service; and every such person who shall have so served five or more years, and been honorably discharged, shall forever after be exempt from jury duty. Except as herein otherwise provided, no non-commissioned officer musician or private of the national guard shall be discharged from service, except for physical disability or expiration of term of enlistment. Discharges for physical disability shall be granted only upon the certificate of the regimental or battalion surgeon, and in the case of a separate troop, battery or company, of the surgeon of the division, or brigade to which such separate troop, battery or company is attached; always provided, however, that the commandant of each division may, for sufficient reasons, and in his discretion, grant discharges to enlisted men in his division, at any time, upon the recommendation of the commandant of the troop, battery or company, with the approval of the commandant of the regiment or battalion and of the brigade to which they belong, and in the case of a separate troop, battery or company attached to a brigade upon the recommendation of the commandant of such separate troop, battery or company with the approval of the commandant of the brigade, and in the case of a regiment separate troop, battery or company attached to a division, upon the recommendation of the commandant of such regiment, separate troop, battery or company; but no enlisted man shall be discharged from service unless he produces the certificate of his immediate commanding officer that he has turned over or satisfactorily accounted for all property issued to him. Commanding officers of divisions, brigades, regiments and battalions, and of separate troops, batteries or companies, shall make returns to the adjutant-general, on the last day of March, June, September and December, in each year, of all changes in their commands during the previous three months, giving the names and grades of the persons discharged, and the cause thereof, and also of those gained by enlistment.

Returns of changes in divisions, brigades, etc.

§ 88. Section two hundred and sixty of said act is hereby amended so as to read as follows:

Actions to recover military property, fines, etc.

§ 260. Actions to recover the possession of military property, and the amount of any fine or penalty under the last two preceding sections, may be brought by and in the name, with the official rank of any officer entitled to take possession of such property, in any court of competent jurisdiction, and such fine or penalty shall be paid to the treasurer of the county where the offender may reside, for the benefit of the military fund of the regiment, battalion or separate troop or battery located therein, and in which the case occurred. The possession of any military property, or the amount of a fine or penalty, may be recovered in the same action. Such proceedings in the civil courts shall not preclude the punishment of offenders, if they belong to the national guard, by courts-martial.

§ 89. Section two hundred and sixty-two of said act is hereby amended so as to read as follows:

Staff organizations.

§ 262. The members of any division or brigade staff, and the field, staff and company officers of any regiment or battalion may organize themselves into an association, and such association and each troop, battery and company may, by a vote of two-thirds of all its members, form by-laws, rules and regulations, not inconsistent with this act, for the management of their internal affairs; and such by-laws, rules and regulations shall be binding upon all commissioned officers, non-commissioned officers, musicians and privates who are now or may hereafter

be commissioned or enlisted therein; but they may be altered, from time to time, as may be found necessary, by the same vote.

§ 90. Said act is hereby further amended by inserting immediately after section two hundred and sixty-seven of the same as follows:

ARTICLE XVI.

OF RIFLE PRACTICE.

§ 268. The general inspector of rifle practice shall have the rank of brigadier-general, and in the corps of inspectors of rifle practice there shall be an assistant general inspector of rifle practice with the rank of colonel; to each division an inspector of rifle practice with the rank of lieutenant-colonel; to each brigade an inspector of rifle practice with the rank of major; and to each regiment or battalion an inspector of rifle practice with the rank of captain.

Ranks of general and other inspectors of rifle practice.

§ 269. The general inspector of rifle practice shall have charge of the rifle practice of the national guard throughout the state, and shall, under the direction of the commander-in-chief, prescribe the manner in which it shall be performed. He shall report to general headquarters the improvement in marksmanship, together with other matters appertaining to his duties.

General inspector.

§ 270. The division, brigade, regimental and battalion inspectors of rifle practice shall have charge of all matters appertaining to rifle practice in the several organizations of their respective divisions, brigades, regiments or battalions under the direction of the commandants thereof respectively, and they shall see that all armories, ranges and grounds used for rifle practice, and the property issued by the state for such practice within the limits of their respective divisions, brigades, regiments or battalions, are properly used and cared for. They shall perform such duties as may, from time to time be prescribed by the general inspector of rifle practice, and they shall attend all competitions for any prizes that may be offered by the state to the command to which they are attached, and see that the same are conducted with fairness and according to the prescribed regulations. Issues of rifles and such other articles as may be required by the several inspectors of rifle practice to enable them to perform their duties, may be made by the chief of ordnance, on the approval of the general inspector of rifle practice, and in the same manner as other ordnance stores are issued by him.

Division, brigade, etc., inspectors.

§ 271. It shall be the duty of the general inspector of rifle practice, or his assistant, to attend the annual competition for the state prize, and see that the same is conducted with fairness and according to the prescribed regulations.

Annual competition for state prize.

§ 272. The general inspector of rifle practice and the division and brigade commanders, and inspectors of rifle practice of the commands in the district in which the rifle range of any incorporated rifle association, except the national rifle association is situated, shall be ex officio directors thereof. Such inspectors of rifle practice are authorized to inspect such rifle ranges at any time, and, in the case of associations or organizations which have received targets or other articles and aid from the state, to require a report from their proper officers of their financial condition, and of the condition of the state property in their possession, and also to examine their books and vouchers. If, at the conclusion of any such inspection, it shall be found that any of the property issued by the state to any rifle association or range is missing, injured, unfit for use or deficient, it shall be reported through

Rifle associations.

Inspection of rifle ranges.

Dangerous
ranges.

the general inspector of rifle practice to general headquarters. In case any range or armory rifle gallery shall, in the opinion of the general inspector of rifle practice or the division inspector of rifle practice of the district in which the same is located, be dangerous, they are respectively authorized to prevent its being further used until rendered safe.

Examina-
tion of in-
spectors.

§ 273. The general inspector of rifle practice is authorized to report to the adjutant-general any inspector of rifle practice for examination by the examining board, provided for by section one hundred and one of this act.

Targets,
etc.

§ 274. On the approval of the commander-in-chief, the chief of ordnance may issue to rifle ranges, targets and other appurtenances and military equipments for the practice of the national guard thereon, in the same manner as other ordnance stores are issued by him, and under the direction of the commander-in-chief, and with his approval, expenditures may be made from the appropriations for military purposes, for services and expenses in maintaining rifle ranges and promoting rifle practice in the national guard.

Expendi-
tures on
ranges.

Associa-
tion to file
articles of
associa-
tion and
by-laws
and give
bond.

§ 275. Before any targets or other appurtenances or military equipments are issued to any rifle association or any aid given to it by the state, it shall file with the adjutant-general and the general-inspector of rifle practice a certified copy of its articles of association and by-laws and other regulations which must have the approval of the general-inspector of rifle practice to whom must be furnished annually a list of its officers. Such bonds as may be required by the commander-in-chief shall be given to secure the care and custody of any targets or other property issued to any rifle range or association by the state.

First and
second
divisions.

§ 276. The commandants of the first and second divisions respectively are authorized to direct and require the use of the range of the national rifle association by any of the organizations in their commands for target practice, field drill or any military purpose, whenever, and for such time as they shall deem proper and necessary. And the division general of any district in which any other rifle range which has received aid from the state is located, shall have like authority to direct and require the use thereof by any of the organizations in his command, provided that not less than one-quarter of the targets of such rifle range, when held by an association, and of the national rifle association, shall at all times be reserved for the members thereof.

When di-
vision gen-
eral may
order use
of range.

Officers of
rifle
ranges are
consta-
bles.

§ 277. For the purpose of preserving the property of the state issued to the several rifle associations and ranges which receive aid therefrom, and of preventing accidents, and for maintaining order upon such rifle ranges, the officers and employes of the national rifle association and other rifle associations having a rifle range are hereby vested with the powers of constables when in the discharge of their duties, and wearing such badge of office as shall be prescribed by said associations respectively; and all persons trespassing upon such rifle ranges or injuring any of the targets or other property situate thereon or wilfully violating thereon any of the regulations established to maintain order, preserve property and prevent accidents, shall be guilty of a misdemeanor.

Tres-
passes,
etc.

State di-
vision
prize.

§ 278. The commander-in-chief is authorized to annually offer on behalf of the state a prize not exceeding one hundred dollars in value, to be known as the "state division prize," for competition among the several regiments and battalions in each division; and a similar prize not exceeding five hundred dollars in value, to be known as the "state prize," for competition among all the regiments and bat-

State
prize.

talions throughout the state; such prizes to be competed for under regulations which shall be prescribed by the general inspector of rifle practice.

§ 279. The range of the national rifle association at Creedmoor, and any grounds acquired by that or any other rifle association for rifle practice, and toward the purchase of which the state has contributed shall not be sold, mortgaged, or otherwise alienated, without the written consent of at least two-thirds of the board of directors of such association, including a majority of the ex-officio members of said board, and without also the written consent of the adjutant-general of the state.

Sale or mortgage of ranges.

§ 280. The treasurer of the national rifle association and the treasurer of all other rifle associations which receive aid from the state shall file with the comptroller and the adjutant-general within twenty days after the first day of January and the first day of July in each year, a detailed statement of all receipts and expenditures of such rifle associations during the previous six months, verified by such treasurers under oath; and it shall be the duty of the presidents of such rifle associations to annually, within twenty days after the first day of November, file with the general inspector of rifle practice a statement in detail of all the property of said associations and the condition of the same.

Treasurers to file statement.

President to file statement.

§ 281. Chapter six hundred and ninety-nine of the laws of eighteen hundred and seventy-two, entitled "An act to establish a rifle range, and to promote skill in marksmanship among the national guard," and chapter two hundred and sixty-eight of the laws of eighteen hundred and seventy-four, entitled "An act for the promotion of rifle practice in the national guard," are hereby repealed, with the exception of such parts of said chapters as relate specially to the national rifle association, and which are not in conflict with this act.

Repeal of ch. 699. Laws 1872, and ch. 268, Laws 1874. 9 Edm. pp. 423 and 886.

§ 91. The number of section two hundred and sixty-eight of said act is hereby changed to two hundred and eighty-two.

§ 92. The number of section two hundred and sixty-nine of said act is hereby changed to two hundred and eighty-three.

§ 93. This act shall take effect immediately.

CHAP. 281.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

Incorporation of villages.

PASSED May 20, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twenty-second and twenty-fifth subdivisions of section three, title three, of chapter two hundred and ninety-one, of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," are hereby amended so as to read as follows:

Amending Laws of 1870, ch. 291. 7 Edm. 681.

22. To restrain, regulate or prevent hawking and peddling in the streets; to regulate, restrain or prohibit sales by auction, and grant

To regulate hawking and

peddling,
auctions,
hacks and
public
carriages.

licenses to peddlers and auctioneers, and fix the amount to be paid therefor ; to regulate the use and running of all hacks, public carriages or vehicles for the conveyance of passengers, baggage or movables of any kind, for hire through the public streets ; to designate their places of waiting, and grant a license to the owners or proprietors thereof, and fix the amount to be paid for the same.

Powers as
to streets,
alleys, etc.

25. To keep the roads, avenues, streets, lanes, public buildings and public places of the village in good order, repair and condition, to construct culverts and drains, to make and repair all bridges which may be necessary within the bounds of the village ; to regulate and prescribe the width, line and grade of streets, avenues, lanes and sidewalks ; to pave, plank, or flag roads, crosswalks or sidewalks, lay out and open new roads and streets, to widen, alter and change the grade, or otherwise improve roads, avenues, streets, lanes and sidewalks ; to

Stagnant
water.

drain stagnant waters, and to raise or fill up low grounds, if nuisance, and assess the expense thereof upon the property benefited in proportion to the amount of such benefit, and to regulate the water-courses,

Water
courses.
Sewers.

ponds and watering places in the village ; to cause all necessary sewers to be built, and assess the expense thereof upon the property benefited in proportion to the amount of such benefit. The amount of the

Benefits
how de-
termined.

benefit in any case, where the same is made the basis of assessment under this section, shall be determined by the president and trustees, provided, however, that no property beyond the limit of one hundred and seventy-five feet from the line terminus of any such sewer shall be liable to assessment for the expenses of building the same ; and provided, also, that no sewer shall be constructed under the provisions

Written
petition.

hereof, except upon a written petition signed by a majority of the persons whose property shall be liable to assessment for the said expense. All assessments for the drainage of stagnant waters, the raising and filling up of low grounds or the building of sewers under the provisions of this section, shall be enforced and collected in the same manner as assessments for the annual village tax.

Asses-
ments.

§ 2. This act shall take effect immediately.

CHAP. 282.

Fire insur-
ance.

AN ACT to amend chapter one hundred and eighty-nine of the laws of eighteen hundred and seventy-four entitled "An act to provide security against extraordinary conflagrations, and for the creation of safety funds by fire insurance companies."

PASSED May 21, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws 1874,
ch. 189.
9 Edm. 870.

SECTION 1. Section three of chapter one hundred and eighty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to provide security against extraordinary conflagrations, and for the creation of safety funds by fire insurance companies," is hereby amended so as to read as follows :

§ 3. After the date mentioned in any such resolution so passed and

filed it shall not be lawful for such company to make, declare or pay, in any form, any dividend upon its capital stock exceeding seven per cent per annum thereupon and upon the surplus funds to be formed hereunder, until after its guaranty surplus fund and its special reserve fund shall have together accumulated to an amount equal to its said capital stock; and the entire surplus profits of such company above such annual dividend of seven per cent shall be equally divided between and be set apart to constitute the said guaranty surplus fund and the said special reserve fund, which said funds shall be held and used as hereinafter provided, and not otherwise, and any company doing business under this act, which shall declare or pay any dividend contrary to the provisions herein contained, shall be liable to be proceeded against by the attorney-general for its dissolution. Whenever such company shall notify the superintendent of the insurance department that it has fulfilled the requirements already expressed in this section and that its guaranty surplus fund and its special reserve fund, taken together, equal its capital stock, it shall be his duty to make an examination of such company and to make a certificate of the result thereof; and thereafter such company may continue, out of any subsequent profits of its business, to add to such funds, provided that when any addition is made to the special reserve fund, an equal sum shall be carried to the guaranty surplus fund.

When companies not to pay dividends beyond seven per cent.

§ 2. Section five of said act is hereby amended so as to read as follows:

§ 5. Said special reserve fund, until it shall amount to a sum equal to one-half of the capital stock of such company, shall be invested according to existing laws relating to investments of capital by fire insurance companies, and any additional sum added to such fund shall be invested in any securities in which such company is by law authorized to invest its capital or its surplus accumulations, and shall be deposited from time to time as the same shall accumulate and be invested, with the superintendent of the insurance department, who shall permit the company depositing the same to change such deposits by substituting for those withdrawn others of equal amount and value, and to collect and receive the interests or dividends upon such securities as the same may accrue; and such special reserve fund shall be deemed a fund contributed by the stockholders to protect such company and its policy holders others than claimants for losses already existing, or then incurred, in case of such extraordinary conflagration or conflagrations as hereinafter mentioned; and said fund shall not be regarded as any part or portion of the assets in possession of said company so as to be or render the same liable for any claim or claims for loss by fire or otherwise, except as herein provided.

Special reserve fund, how invested and deposited.

§ 3. Section six of said act is hereby amended so as to read as follows:

§ 6. In estimating the profit of any such company for the purpose of making a division thereof between said guaranty surplus fund and such special reserve fund, until such funds shall together amount to a sum equal to the capital stock of such company, there shall be deducted from the gross assets of the company, including for this purpose the amount of the special reserve fund, the sum of the following items: First, the amounts of all outstanding claims; second, an amount sufficient to meet the liability of such company for the unearned premiums upon its unexpired policies, which amount shall be at least equal to one-half of the premiums received on policies having less than one year to run from date of policy, and a pro rata proportion of the premiums

Profits of company, how estimated.

How long
restriction
on divi-
dends
shall
continue.

received on the policies having more than one year to run from date of policy, and shall be known as the re-insurance liability; third, the amount of its guaranty surplus fund and of its special reserve fund; fourth, the amount of the capital of the company, and fifth, interest at the rate of seven per cent per annum upon the amount of the capital and of the said funds for whatever time shall have elapsed since the last preceding cash dividend; and the balance shall constitute the net surplus of the company subject to an equal division between the said funds as herein provided. The restriction of dividends upon the capital stock of such company to an amount not exceeding seven per cent per annum upon the amount of such capital stock and of the surplus funds formed hereunder, shall continue until the said funds shall together equal the amount of such capital, but any addition to said funds, beyond an amount equal to such capital stock, may be made out of any profits of the subsequent business of such company, whether such addition or additions shall constitute the whole of such subsequent profits or only a part thereof.

§ 4. Section seven of said act is hereby amended so as to read as follows:

In cases of
extensive
conflagra-
tions.

§ 7. In the event of any extensive conflagration or conflagrations, whereby the claims upon such company shall exceed the amount of its capital stock, and of the guaranty surplus fund provided for by this act, the said company shall notify the said superintendent of the fact, who shall then make, or cause to be made, an examination of said company, and shall issue his certificate of the result, showing the amounts of capital, of guaranty surplus fund, of special reserve fund, of re-insurance liability, and of other assets, and, upon his issuing such certificate in duplicate, one copy to be given the company and one to be recorded in the insurance department, the said special reserve fund shall be immediately held to protect all policy holders of said company, other than such as are claimants upon it at the time, or such as become such claimants in consequence of such conflagration or conflagrations; and the amount of said special reserve fund, and an amount equal to the unearned premiums of such company, to be ascertained as hereinbefore provided, shall constitute the capital and assets of such company for the protection of policy holders, other than such claimants, and for the further conduct of its business; and such official certificate of the superintendent shall be binding and conclusive upon all parties interested in such company, whether as stockholders, creditors or policy holders, and upon the payment to the claimants, for losses or otherwise, existing at the time of or caused by such general conflagration or conflagrations, of the amount to which they are respectively entitled, in proportion to their several claims, of the full sum of the capital of such company, and of its guaranty surplus fund, and of its assets, excepting only such special reserve fund and an amount of its assets equal to the liability of the company for unearned premiums, as so certified by such superintendent, such company shall be forever discharged from any and all further liability to such claimants, and to each of them; and the said superintendent shall, after issuing his said certificate, upon the demand of such company, transfer to it all such securities as shall have been deposited with him by such company as such special reserve fund; and, if the amount of such special reserve fund be less than fifty per cent of the full amount of the capital of the company, a requisition shall be issued by the said superintendent upon the stockholders to make up such capital to that proportion of its full amount in the manner now provided by law in

Making up
capital
stock.

the case of companies with impaired capitals; and provided, further, that any capital so impaired shall be made up to at least the sum of two hundred thousand dollars, and in case said company, after such requisition, shall fail to make up its capital to at least said amount of two hundred thousand dollars, as therein directed, said special reserve fund shall still be held as security and liable for any and all losses occurring upon policies of such company after such conflagration or conflagrations; and provided, further, that if any amount greater than a sum equal to one-half of its capital stock shall by such company, under the provisions of this act, have been deposited with such superintendent, he shall retain of such securities a sum equal to one-half of what amount he shall so hold thereof in excess of such one-half of such capital stock, and he shall transfer the balance thereof to such company, as herein provided; and the amount so transferred to such company shall, from the time of such transfer (provided the amount thereof shall not be less than two hundred thousand dollars), constitute the capital stock of such company for the further conduct of its business as hereinbefore provided, and the sum so retained by said superintendent shall thenceforth constitute the special reserve fund of such company to which additions may be made as herein provided, and shall be held in the same manner and for the same purposes, and under the same condition as the original special reserve fund of such company was held. Such company shall, in its annual statement to the insurance department of this state, set forth the amount of such special reserve fund and of its guaranty surplus fund. If at any time, in consequence of the payment of losses by fires, or of the expenses of the business, or of the interest payable under the provisions of this act to stockholders, or from any other cause, the guaranty surplus fund shall be reduced in amount below the amount of the special reserve fund, the directors of such company shall have the right at their option, at the time of making any division of the net profits as herein provided, to carry a larger sum to the guaranty surplus fund than to the special reserve fund; but this privilege shall cease as soon as the said two funds are made equal in amount. The policy registers, insurance maps, books of record and other books in actual use by such company in its business, are not to be considered as assets, but shall be held by the company for its use in the protection of its policy holders not claimants for losses at the time of such general conflagration.

Annual
state-
ments.
Guaranty
surplus
fund.

Books,
etc., not
assets.

§ 5. Section eight of said act is hereby amended so as to read as follows:

§ 8. If at any time after said special reserve fund shall have been accumulated by any company, it shall appear, upon examination by the said superintendent, that the capital of such company has, in the absence of any such extensive conflagration, become impaired so as to cause him to order a call upon the stockholders to make up such impairment, the board of directors of such company may either comply with such order and require the necessary payment by the stockholders, or at their option, they may apply for that purpose so much of said special reserve fund as will make such impairment good. No company doing business under this act shall insure any larger amount upon any single risk than is permitted by law to a company possessing the same amount of capital irrespective of the funds hereby provided for. So much and such parts of existing laws as are inconsistent with this act are hereby made and declared to be

When
capital
stock has
become
impaired.

Limit on
insurance

Interpre-
tation.

inapplicable to insurance companies doing business under and in conformity with this act.

§ 6. This act shall take effect immediately.

See General Laws, 1874, p. 68.

CHAP. 285.

Supervisors.

AN ACT to amend chapter four hundred and eighty-two, laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws 1876,
ch. 482,
ante, p. 156.

SECTION 1. Subdivision twenty-six of section one of chapter four hundred and eighty-two, laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," is hereby amended so as to read as follows :

Town
meetings.

26. Upon the application of any town duly made by the vote of any annual town meeting, to authorize the annual town meetings in such town to be held by election districts, and to prescribe the manner in which the town business shall be conducted in such districts and the results ascertained and recorded. Provided, however, that whenever the electors of any town in which town meetings are held by election districts shall, by a vote of the majority of the electors of such town, voting at an annual town meeting, declare in favor of a return to the former system of holding one poll at town meetings; it shall then be the duty of the board of supervisors, upon being furnished with an official copy of such action of said electors, to restore the former system of holding one poll only at town meetings therein but such change shall not be made oftener than once in five years.

§ 2. This act shall take effect immediately.

CHAP. 286.

Coroners.

AN ACT to amend chapter eight hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to regulate the fees of coroners."

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws 1873,
ch. 833,
§ Edm. 781.

SECTION 1. Chapter eight hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to regulate the

fees of coroners," is hereby amended by the insertion of a new section immediately after the third section, as follows:

§ 4. The fees of jurors necessarily summoned upon any coroner's inquest shall be not to exceed one dollar for each day's service, shall be a county charge and shall be audited and allowed by the boards of supervisors in the same manner as other fees and charges mentioned in this act. But the coroner holding such inquest and summoning said jurors, shall make report to the next succeeding board of supervisors after every such inquest of the names of such jurors and the term of service of each, and upon what inquest rendered, on or before the third day of the annual session in each year.

Fees of jurors.

Report of coroner.

§ 2. Sections four, five and six of said act are hereby numbered respectively, sections five, six and seven.

§ 3. This act shall take effect immediately.

CHAP. 287.

AN ACT in relation to auctioneers.

Auctioneers.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be necessary for any auctioneer, of this state, whose auction business is confined to the sale of farm property, and other personal property, sold upon farms and property which may be owned by any person residing in any of the towns and villages in this state and which has not been purchased for the purpose of a sale at auction upon which duties are required to be paid to the comptroller under the laws of this state, to execute the bond now required by law to be executed by auctioneers. Nor shall it be necessary for any such auctioneer to render the semi-annual account now required by law, to be rendered to the comptroller, by auctioneers engaged in the sale of goods, wares, merchandise and effects, the growth or produce of any foreign country.

Of farm property need not give bond.

Nor render semi-annual account.

§ 2. This act shall take effect immediately.

CHAP. 288.

AN ACT to amend title six, chapter one, part four, section two of the Revised Statutes, entitled "Of offenses punishable by imprisonment in a county jail and by fine."

Amending 2 R. S. 650. 2 Edm. 712.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two* of title six, chapter one, part four, section two* of the Revised Statutes, entitled "Of offenses punishable by im-

Attempts to extort.

* So in the original.

prisonment in a county jail and by fine," is amended so as to read as follows:

Attempts
to extort.

§ 2. Every person who shall, either verbally or by written or printed communication, threaten to accuse another of any offense, or shall threaten to communicate, or to publish, or in any manner to use information or documents or statements that are alleged to be injurious to the personal reputation or to the business standing of any other person, with intent by any such threatening to extort any property or to derive any pecuniary or valuable benefit whatever to the person making such threat, or to any other person or persons, shall, upon conviction, be adjudged guilty of a misdemeanor, and punished as hereinafter prescribed.

§ 2. This act shall take effect immediately.

CHAP. 290.

Evidence. AN ACT to facilitate the making proofs of imprisonment and discharge from state prison upon a trial for second offense.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certificate
of warden
of state
prison.

SECTION 1. The certificate of the warden or other chief officer of any state prison, under the seal of his office, containing name of person, a statement of the court in which conviction was had, the date and term of sentence, length of time imprisoned, and date of discharge from prison, shall be prima facie evidence on the trial of any person for a second or subsequent offense, of the imprisonment and the discharge of such person, either by pardon or expiration of his sentence (as the case may be) under the conviction stated and set forth in such certificate. But such certificate shall not in any other case, be evidence of such imprisonment and discharge.

§ 2. This act shall take effect immediately.

CHAP. 291.

AN ACT to authorize the comptroller to compromise and settle old judgments and contract debts.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comptrol-
ler may
comprom-
ise old
judg-
ments.

SECTION 1. The comptroller of this state is hereby authorized and empowered, with the approval of the attorney-general, to compromise, compound, settle, discharge and release any judgment or contract debt not in judgment against an individual or corporation, in favor of the state, in cases where more than ten years have now elapsed since the recovery of such judgment or the contraction of such debt, upon such terms as the comptroller and attorney-general may deem best for the interests of the state.

§ 2. This act shall take effect immediately.

CHAP. 292.

AN ACT to amend section thirty-seven of title one of chapter five, part third of the Revised Statutes. Ejectment.

PASSED May 21, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirty-seven of title one, chapter five, part third of the Revised Statutes, is hereby amended so as to read as follows: Amending
2 R. S. 809.
2 Edm. 318.

§ 37. The court in which such judgment shall be rendered at any time within three years thereafter, upon the application of the party against whom the same was rendered, his heirs and assigns, and upon payment of all costs and damages recovered thereby (excepting mesne profits or damages for the withholding of the premises), shall vacate such judgment, and grant a new trial in such cause. And the court upon subsequent application, made within two years after the rendering of the second judgment in said cause, if satisfied that justice will be thereby promoted, and the rights of the parties more satisfactorily ascertained and established, may vacate the judgment and grant another new trial. But no more than two new trials shall be granted under this section. New trial,
how
granted.

§ 2. This act shall take effect immediately.

Repealed by L. 1890, ch. 245. See Co. Civ. Proc., § 1525.

CHAP. 298.

AN ACT to legalize the acts of surrogates and officers acting as such, in granting letters of administration, and to provide for the issuing of such letters in certain cases.

PASSED May 21, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The acts of any and all surrogates and other officers lawfully acting as such, in granting letters of administration upon petition verified before any person authorized to administer oaths, are hereby made and declared to be as legal, and of the same force and effect, as if such oath or affirmation had been administered by the surrogate, and an examination of the applicant had been personally made by the surrogate or person acting as such, granting such letters of administration. Validating
certain
acts of
surro-
gates.

Surrogate may grant letters of administration on petition verified before magistrate.

§ 2. A surrogate or other officer lawfully acting as such may, in his discretion, grant letters of administration, upon a petition duly verified before any magistrate or officer duly authorized to administer oaths, without a personal examination of the person so applying. This act shall not apply to or affect any action or proceeding now pending.

§ 3. This act shall take effect immediately.

Sec. 2 repealed by L. 1880, ch. 245. See Co. Civ. Proc., §§ 2533, 2534, and 2666.

CHAP. 300.

AN ACT relating to powers of attorney by married women.

PASSED May 21, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Powers of attorney of married women.

SECTION 1. Any married woman being a resident of this state, and of the age of twenty-one years or more, may execute, acknowledge and deliver her power of attorney with like force and effect and in the same manner as if she were a single woman.

§ 2. This act shall take effect immediately.

CHAP. 301.

AN ACT to authorize the attorney-general, the superintendent of public works, the superintendent of state prisons, and state treasurer to have official seals.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official seals.

SECTION 1. The attorney-general, the superintendent of public works, the superintendent of state prisons and state treasurer are each hereby authorized to adopt and procure an official seal, with suitable devices and inscription. A description of such seal, with an impression thereof and a certificate of approval of the same by the governor, shall be filed as required by law in the office of the secretary of state, and from the date of such filing shall be the official seal of the respective offices so adopting them, and may be renewed when necessary.

§ 2. This act shall take effect immediately.

CHAP. 302.

AN ACT in relation to the taking of clams, oysters and shell fish within the waters of this state, and dredging for the same.

PASSED May 21, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall not be lawful for any person or persons who are not at the time actual inhabitants and residents of this state to rake or gather clams, oysters or shell fish either on their own account and for their own benefit or on account of or for the benefit of their employers in any of the rivers, bays or waters of this state, on board of any canoe, flat scow, boat or other vessel ; but the provisions of this section shall not be so construed as preventing any actual resident, an inhabitant of this state, from employing persons to rake or gather clams, oysters and shell fish, for the use and benefit of said actual resident and inhabitant of this state.

Non-residents not to gather clams and oysters.

Construction.

§ 2. It shall not be lawful to dredge for oysters, clams or shell fish with a dredge operated by steam power in any of the bays, rivers or waters of this state. No dredges to be used exceeding thirty pounds in weight for catching oysters, clams or other shell fish.

Dredging.

§ 3. Every person offending as aforesaid shall also be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by such a fine as the court may deem just and proper, but not to exceed one hundred dollars, or by imprisonment in the county jail, work-house, or penitentiary not exceeding six months, or by both such fine and imprisonment in the discretion of the court. Any court of special sessions in any county where said offense shall be committed shall have jurisdiction to hear, try and determine any case arising under this act.

Penalty.

§ 4. This act shall take effect immediately.

Section 1 was amended by ch. 87, Laws 1879.

CHAP. 304.

AN ACT in relation to the property and families of absconding persons.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever the father, or the mother being a widow or living separate from her husband, has absconded or shall abscond from his or her children or a husband from his wife, leaving any of such children or such wife chargeable, or likely to become chargeable upon the public for their support, and any real or personal estate of such father, or mother, or husband, has been or shall be seized by a superintendent of the poor or an overseer of the poor, or by a board of charities (or by other officers authorized to make such seizure), by warrant of the justices of the peace of the county where such real or

When property of absconding persons to be applied to support of families.

How application made.

personal property may be situated, and the court of sessions of the county wherein such superintendent or overseer of the poor or board of charities, or other officers authorized to make such seizure resides, has confirmed, or shall confirm said warrant and seizure and has heretofore directed, or shall hereafter direct what part of any of the said personal property shall be sold and how much if any of the proceeds of such sale and of the rents and profits of the real estate, if any, be applied toward the maintenance of the children or wife of the person so absconding, then the said superintendent or overseer of the poor, board of charities or other officers so authorized and directed, shall apply the said proceeds of sale of said personal property, or rents and profits of the real estate (as the case may be): First, to the payment of such taxes and assessments as may be outstanding and existing liens upon the said real estate, and repairs necessary to be made upon said real estate; and premiums for insurance on the buildings on said real estate and the balance, if any, directly to the maintaining, bringing up and providing for the wife, child or children so left and abandoned, as the same may be required from time to time; and for all of such expenditures they shall take proper vouchers, and from the rents and profits thereafter received from any real estate so seized they shall first pay all legal taxes and assessments, as they shall be assessed against said real estate and such premiums for insurances and expenses for such repairs thereon as they may deem necessary for the protection and preservation of said real estate, and the balance of said rents and profits shall be applied by said overseers, superintendents, boards of charities, or other persons authorized to make such seizures, to the maintaining, bringing up, and providing for the wife, child, or children so left and abandoned, and proper vouchers shall be taken thereof.

Guardians for minors.

§ 2. Whenever any child or children, entitled to the benefits provided by this act, shall be a minor or minors whose mother is dead and whose father has absconded from his children, or whose mother, being a widow or living apart from her husband, has absconded from her children, and such minor or minors shall have no guardian, the court of sessions having jurisdiction of this matter shall appoint some suitable person guardian ad litem or next friend of such minor or minors, whose duty it shall be to see that the provisions of this act are carried into effect. The proceeds of the sale of said personal property and the rents and profits of said real estate shall not be mingled or placed with any other funds held or owned by the officer or officers receiving the same, but shall be kept separate and distinct. Such superintendent, overseer of the poor, board of charities or other authorized officer shall give security for the faithful preformance of the duties hereby imposed in such form and in such sum as the aforesaid court may direct, and shall account to the court of sessions for all moneys so received by them and for the application thereof from time to time and may be compelled by the said court to render such account at any time.

Proceeds not to be mingled with other funds. Officer to give security and to account.

Notice of accounting.

§ 3. Notice of such accounting shall be given to the wife or children, so left and abandoned, as the case may be, and to the guardian of such children, if any of them be minors. And in the event that no guardian or next friend has been appointed, as hereinbefore provided, the said court shall, prior to such accounting being had, appoint some suitable person to attend upon such accounting in behalf of said minors, and notice of such appointment and of such accounting shall be given to the person so appointed.

§ 4. All penalties received from the prosecution of any recognizance given by any person who shall have abandoned or neglected his wife or children, or who shall have threatened to run away and leave his wife or children a burden on the public, shall be retained by the officer at whose instance such recognizance was prosecuted, and applied for the same purpose and in the same manner as in the first section of this act provided for the disposition of the proceeds of the sales of personal property and the rents and profits of real estate seized under the provisions of this act.

Penalties,
how ap-
plied.

§ 5. This act shall take effect immediately.

CHAP. 307.

AN ACT to authorize the county clerk of Cattaraugus county to make and to certify to copies of the surveys and maps of the Allegany reservation as made by United States commissioners.

Surveys
and maps.

PASSED May 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The county clerk of Cattaraugus county may make and certify to copies of the surveys and maps of the Allegany reservation as made by United States commissioners and on file in the clerk's office of said county, or any part or portion thereof, or of either of said maps, or of any lot, lease, part or portion thereof, and such copy, so certified, shall be received in evidence in any matter, action or proceeding, in which the original might be admitted in evidence upon being duly proved.

Copies of
maps and
surveys of
Allegany
reserva-
tion to be
received in
evidence.

§ 2. The clerk of Cattaraugus county shall not be subject to subpoena* to produce such maps or either of them or any certificates thereto, nor shall he be required to remove the same from the clerk's office in said county.

Clerk not
subject to
subpoena.

§ 3. This act shall take effect immediately.

* So in the original.

CHAP. 315.

**Me-
chanic's
liens for
materials
municipal works.**

AN ACT to secure the payment of laborers, mechanics, merchants, traders and persons furnishing materials toward the performing of any public work in the cities of the state of New York.

PASSED May 22, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

**Liens for
work or
materials
under
municipal
contracts.**

SECTION 1. Any person or persons who shall hereafter as laborer, mechanic, merchant or trader, in pursuance of, or in conformity with the terms of any contract made between any person or persons, and any incorporated city in the state of New York, perform any labor or furnish any material toward the performance or completion of any contract made with said city, on complying with the second section of this act, shall have a lien for the value of such labor or materials or either, upon the moneys in the control of the said city, due or to grow due under said contract with said city to the full value of such claim or demand, and these liens may be filed and become an absolute lien to the full and par value of all such work and materials, to the extent of the amount due or to grow due on said contract, in favor of every person or persons who shall be employed or furnish materials to the person or persons with whom the said contract with said city is made, or the sub-contractors of said person or persons, their assigns or legal representatives, provided that no city shall be required to pay a greater amount than the contract price or value of the work and the materials furnished, when no specific contract is made in the performance of said work by the contractor.

**Notice of
claim.**

§ 2. At any time before the whole work to be performed by the contractor for the city is completed or accepted by the city, and within thirty days after the same is so completed or accepted, any claimant may file with the head of the department or bureau having charge of said work, and with the financial officer of said city, notices stating the residence of the claimant, verified by his oath or affirmation, stating the amount claimed, from whom due, and if not due, when it will be due, giving the amount of the demand after deducting all just credits and offsets, with the name of the person by whom employed, or to whom materials were furnished; also a statement of the terms, time given, conditions of his contract, and also that the work was done or materials were furnished to the said contractor, and were actually performed or used in the execution and completion of the said contract with said city, but no variance as to the name of the contractor shall affect the validity of the said claim or lien.

Statement.

**Liens to be
entered.**

§ 3. The financial officers of said city shall enter the claims in a book kept for that purpose by him, called the "lien book." Such entry shall contain the name and residence of claimant, the name of the contractor, the amount and date of the filing and a brief designation of the contract upon which the claim is made.

**Action to
foreclose
lien.**

§ 4. No lien provided for in this act shall be binding upon the property therein described, unless an action be commenced within ninety days from the filing of the same, and a notice of pendency of said action be filed with the financial officer of the city.

§ 5. The lien shall attach from the time of filing thereof to the extent of the liability of the contractor for the claim preferred upon any funds which may be due or to grow due to the said contractor from said city, under the contract against which the lien is filed. When lien attaches.

§ 6. Any claimant who has filed the notice mentioned in the second section of this act, may enforce his claim against the said fund therein designated and against the person or persons liable for the debt by a civil action. Actions to determine or terminate said liens may be commenced by the contractor or said city in any court of competent jurisdiction. Enforcing claim.
Jurisdiction.

§ 7. The plaintiff must make all parties who have filed claims the contractor, and the said city, parties defendant, and as to all parties against whom no personal claim is made, the plaintiff may, with the summons, serve a notice stating briefly the object of action, and that no personal claim is made. But all parties who have filed claims under this act may, by answer in such action, set forth the same, and the court in which the action is brought, may decide as to the extent, justice and priority of the claims of all parties to the action. Parties.
Priority of claims.

§ 8. The court in which the action is brought shall determine the validity of the lien, the amount due from the debtor to the contractor under his contract, and from the contractor to the respective claimants, and shall render judgment, directing that the said city shall pay over to the claimants, for work done and materials furnished in the execution of the said contract or contracts, whose claims or liens it shall hold to be valid and just, in the order of their priority as determined by said court to the extent of the sum found due to said claimants from their contractor, so much of said funds or money which may be due from the said city to the contractor, under his contract, against which the lien is filed, as will satisfy their liens or claims, with interest and costs, to the extent of the amount due from said city to said contractor. The judgments rendered under this act may be enforced by execution, and an appeal may be taken therefrom in the same time and manner as in civil actions. Judgment in action to foreclose.
Execution.

§ 9. In case of successive liens, or a number of liens, in favor of different persons, their rights and priorities shall be determined as follows: Persons standing in equal degrees as co-laborers, or various persons furnishing materials shall have priority according to the date of the filing of their liens. When several lien notices are filed for the same demand, the judgment shall provide for the proper payments according to priority, so that, under liens filed, double payments shall not be required. Successive liens.

§ 10. When separate actions are commenced, the court in which the first action was brought may, upon the application of the said city, consolidate them. Consolidating action.

§ 11. Costs in all actions shall rest in the discretion of the court, and shall be awarded to or against the plaintiff or defendants, or any or either of them, as may be just. Costs.

§ 12. Nothing contained in this act shall be construed to impair or affect the right of any person to whom any debt may be due for work done or materials furnished to maintain a personal action to recover such debt against the person liable therefor. Personal actions.

§ 13. The lien may be discharged as follows: First. By filing a certificate of the claimant, or his successor in interest, duly acknowledged and proved, stating that the lien is discharged. Second. By lapse of time when ninety days have elapsed since the filing of the claim, and no action shall have been commenced to enforce the claim. Discharging lien.

Third. By satisfaction of any judgment that may be rendered in actions to foreclose said liens or claims.

Definition. § 14. The term "contractor," as used in this act, shall be construed as meaning the person with whom the contract with the said city is made, his assigns or legal representatives.

When act to take effect. § 15. This act shall take effect immediately; but nothing herein contained shall affect the validity of any claims or liens upon moneys due or to grow due under contracts made by cities prior to its passage. All acts and parts of acts inconsistent with the terms of this act are hereby repealed.

See *Leonard v. Reynolds*, 7 Hun, 78; *Brinckerhoff v. Board of Education*, 6 Abb. (N. S.) 428; S. C., 37 How. 499; affd. sub nom. *Pollon v. Mayor*, 41 N. Y. 666; *Van Denburgh v. Greenbush*, 4 Hun, 796; affd., 66 N. Y. 1.

CHAP. 316.

Corporations.

AN ACT to amend chapter two hundred and forty-eight of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the act passed April eleventh, eighteen hundred and sixty, chapter two hundred and sixty-nine, entitled "An act to amend the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,'" passed February seventeenth, eighteen hundred and forty-eight.

PASSED May 22, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending Laws 1867, ch. 248.
7 Edm. 78.

SECTION 1. The second section of chapter two hundred and forty-eight of the laws of eighteen hundred and sixty-seven, entitled, "An act to amend the act passed April eleventh, eighteen hundred and sixty, chapter two hundred and sixty-nine, entitled "An act to amend the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,'" passed February seventeenth, eighteen hundred and forty-eight, is hereby amended so as to read as follows :

Trustees, number of, how increased or reduced.

§ 2. The number of trustees in any corporation, organized before, or since, the eleventh day of April, eighteen hundred and sixty, or which shall hereafter be organized under the said act, may be increased to not more than thirteen, or may be reduced to not less than three, as follows: The existing trustees of any such corporation, or a majority of them, shall make and sign a certificate, declaring how many trustees the corporation shall have in the future management of its business, and, in case the number of trustees be increased, stating the names of the new, or additional trustees, and, in case the number of trustees be reduced, stating the number to which the trustees shall be reduced; which certificate shall be acknowledged by the trustees signing the same, or proved by a subscribing witness, and shall be filed in the office of the clerk of the county where the original certificate of incorporation was filed, and a duplicate or transcript thereof, duly certified under the official seal of such clerk, filed in the office of

the secretary of state; and, in the case of an increase of the number of trustees, from and after the filing of such certificate and duplicate or transcript, the trustees of such corporation shall be deemed increased to the number therein stated, and the persons so named in such certificate shall be trustees until a new election of trustees shall be had, according to the said act, and the by-laws or regulations of such corporation. And in the case of the reducing of the number of trustees, the number stated in such certificate as the number of trustees which shall manage the business of such corporation, shall be deemed the number of trustees of such corporation to be elected, according to said act, and the by-laws and regulations of such corporation, at the next election and thereafter, after the filing of such certificate and duplicate or transcript; and in case a vacancy or vacancies shall occur in the board of trustees of such corporation, by resignation or otherwise, after the filing of such certificate and duplicate or transcript reducing the number of trustees, before the next election of trustees after such filing, no election shall be had in the meantime to fill such vacancy or vacancies while the number of trustees remaining shall equal or exceed the number to which the trustees are reduced in such certificate.

§ 2. This act shall take effect immediately.

CHAP. 317.

AN ACT to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the bonded indebtedness of villages, cities, towns and counties."

Bonded
indebted-
ness of
towns, &c.

PASSED May 22, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the bonded indebtedness of villages, cities, towns and counties," is hereby amended so as to read as follows:

Amending
Laws 1878,
ch. 75,
ante, p. 594.

§ 1. The present bonded indebtedness of any village, city, town or county, may be paid up or retired by the issuance of bonds of the same amount by the respective officers or boards who were authorized to issue such outstanding bonds, provided, however, that such new bonds shall only be issued, when the existing bonds can be retired or paid by the substitution of new bonds or by money realized thereon, in the place and stead of existing bonds, bearing a lower rate of interest than the bonds so authorized to be retired or paid. All bonds taken up by new bonds, or paid under the provisions of this act, shall be immediately canceled and destroyed; and a certificate shall be made and filed in the county clerk's office of the bonds destroyed and also of the new bonds issued. This act shall not be so construed as to authorize the issue of new bonds to supersede or pay existing bonds which have been adjudged invalid, by the final judgment of a competent court; and the

Bonds,
how paid
or retired.
Amended
by L. 1880.
ch. 12,
post, p. 809.

officers and boards referred to in this act shall include the successors in office of those who originally issued the outstanding bonds.

§ 2. Section two of said chapter seventy-five is hereby amended so as to read as follows:

Novation
of bonds.

§ 2. In case any holder of any such existing bonds shall be willing to surrender bonds of any village, city, town or county, and accept in their place and stead new bonds at a lower rate of interest, exchanging said existing bonds for such new bonds at the par value of each, then the said officers or boards of any such village, city, town or county, prescribed in the first section of this act, may, in their discretion, make such exchange by the retiring of such existing bonds and the substitution therefor of such new bonds, and may extend the date of the payment of such substituted bonds for a period not exceeding thirty years beyond the time when the principal of such existing bonds so surrendered would have become payable.

§ 3. Section three of said chapter seventy-five is hereby amended so as to read as follows:

New
bonds.

§ 3. Whenever any bonds of any village, city, town or county, shall become due and payable, or in anticipation thereof, the said officers or boards may, in their discretion, cause to be issued in proper form new bonds having not more than thirty years to run, provided, however such new bonds shall be sold at public auction after due notice, as now required by law in the case of the sale of mortgaged real estate under a decree of foreclosure in the supreme court, and the terms of such sale of said bonds shall be that to the person bidding the highest sum, not less than par, and offering to accept the lowest rate of interest for the whole or any part of said bonds, the said bonds in whole or in part shall be issued, and further provided, that in no case shall new bonds be sold except at a lower rate of interest than that borne by the bonds then due and payable; such new bonds shall bear date and draw interest from the date of the payment of the bonds then due.

Sale of.

§ 4. This act shall take effect immediately.

CHAP. 318.

General
assign-
ments.

AN ACT to amend chapter four hundred and sixty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to assignments of the estates of debtors for the benefit of creditors."

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1877,
ch. 468,
ante, p. 468.

SECTION 1. Subdivision five of section three of chapter four hundred and sixty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to assignments of the estates of debtors for the benefit of creditors," is hereby amended so as to read as follows:

Affidavit to
inventory.

5. An affidavit made by such debtor, that the same is in all respects just and true. But in case such debtor shall omit, neglect or refuse

to make and deliver such inventory or schedule within the twenty days required, the assignee named in such assignment shall, within thirty days after the date thereof, cause to be made, and delivered to the county judge of the county where such assignment is recorded, such inventory or schedule as above required, in so far as he can ; and for such purpose said county judge shall, at any time, upon the application of such assignee, compel by order such delinquent debtor, and any other person to appear before him and disclose, upon oath, any knowledge or information he may possess, necessary to the proper making of such inventory or schedule. The assignee shall verify the inventory and schedule so made by him, to the effect that the same is in all respects just and true to the best of his knowledge and belief. But in case the said assignee shall be unable to make and file such inventory or schedule, within said thirty days, the county judge may, upon application upon oath, showing such inability, allow him such further time as shall be necessary, not exceeding sixty days. If the assignee fail to make and file such inventory or schedule within said thirty days or such further time as may be allowed, the county judge shall require, by order, the assignee forthwith to appear before him, and show cause why he should not be removed. Any person interested in the trust estate, may apply for such order and demand such removal. The books and papers of such delinquent debtor shall at all times be subject to the inspection and examination of any creditor. The county judge is authorized by order to require such debtor or assignee to allow such inspection or examination. Disobedience to such order is hereby declared to be a contempt, and obedience to such order may be enforced by attachment. The inventory or schedule shall be filed by said county judge in the office of the clerk of said county in which said assignment is recorded.

When assignee to make inventory.

Assignee to verify inventory.

Extension of time. Failure of assignee to make inventory.

Inspection of books and papers.

Filing inventory.

Delay in filing schedule. *Produce Bank v. Morton*, 67 N. Y. 199; S. C., 1 Abb. New Cas. 174. Inspection of books. *Manning v. Stern*, 1 Abb. New Cas. 409.

§ 2. Section six of said act is hereby amended so as to read as follows:

§ 6. The county judge shall, in the case provided in section three, and may also, at any time, on the petition of one or more creditors, showing misconduct or incompetency of the assignee, or on petition of the assignee himself, showing sufficient reason therefor, and after due notice of not less than five days to the assignor, assignee, surety and such other person as such judge may prescribe, remove or discharge the assignee, and appoint one or more in his place, and order an accounting of the assignee so removed or discharged, and may enjoin such assignee from interfering with the assignor's estate, and make provision by order for the safe custody of the same, and enforce obedience to such injunction and orders by attachment; and, upon his discharge upon his own application, such assignee's bond shall be canceled and discharged. The new assignee shall give a bond, to be approved as above required. The county judge shall have power, by order, to require or allow any inventory or schedule filed to be corrected or amended, and also to require and compel, from time to time, supplemental inventories or schedules to be made and filed within such time as he shall prescribe, and to enforce obedience to such orders by attachment.

Removal of assignee.

New assignee.

Correcting inventory.

Manning v. Stern, 1 Abb. N. C. 409. *In re Cohn*, 78 N. Y. 248.

§ 3. Section eleven of said act is hereby amended so as to read as follows:

Account-
ing.

§ 11. A citation may be issued to all parties, interested in the estate assigned, as creditors or otherwise, requiring them to appear in court on some day therein to be specified, and to show cause why a settlement of the account of proceedings of the assignee should not be had, and if no cause be shown, to attend the settlement of such account. The county court must issue all citations mentioned in this act which must be returnable in court. It may issue a citation on the petition of an assignee, at any time after the assignment or on petition of a creditor, or an assignee's surety, or an assignor, at any time after the lapse of one year from the date of such assignment, or where an assignee has been removed and ordered to account as hereinbefore provided.

On petition of creditors. *Matter of Bowery Nat. Bank*, 1 Abb. N. C. 404. Of surety. *Matter of Castle*, id. 899. Action for accounting. *Haines v. Hollister*, 64 N. Y. 1; *Travers v. Myers*, 67 id. 542.

§ 4. Section thirteen of said act is hereby amended so as to read as follows :

Service of
citation.

§ 13. A citation to all persons interested must be served on all parties other than the petitioner who are interested in the fund, including assignors, assignees and their sureties, except that if the time limited by due advertisement for presentation of claims has expired before the issue of the citation, creditors who have not duly presented their claims need not be served. In case the creditors of such assignor, who have proved their claims, exceed twenty-five in number, then the county judge, upon proof by affidavit that such creditors exceed such number, may by order direct such citation to be served on each creditor who has proved his claim, by depositing a copy of the same, at least thirty days prior to the return day thereof, in the post-office at the place where the assignee or assignees, or either of them, reside, duly inclosed and directed to each of such creditors, at his last known post-office address, with the postage prepaid; and by publishing such citation once a week for at least four weeks prior to such return day in one or more newspapers, to be designated by such county judge as most likely to give notice to such creditors.

§ 5. Section twenty of said act is hereby amended in the following respects: The first paragraph so as to read as follows:

§ 20. On a proceeding for an accounting under this act, the county court shall have power.

Subdivision six of said section is hereby amended so as to read as follows:

Composi-
tion.

6. On proof of a composition between the assignor and his creditors, to discharge the assignee and his sureties from all further liability to the compounding creditors appearing or duly cited, and to authorize the assignee to release the assets to the assignor; provided, however, that if there be any creditors not assenting to the composition, the court shall determine what proportion of the fund shall be paid to or reserved for creditors not assenting, which shall not be less than the sum or share to which they would be entitled if no composition had been made, and may decree distribution accordingly.

Matter of Bucher, 2 Abb. New Cas. 379.

§ 6. Section twenty-two of said act is hereby amended so as to read as follows:

Effect of
orders and
decrees.

§ 22. All orders or decrees in proceedings under this act shall have the same force and effect, and may be entered, docketed and enforced and appealed from, the same as if made in an original action brought in the county court. And all proceedings under this act shall be

deemed to be had in court. The said court shall always be open for proceedings under this act. The county judge when named in this act, shall, in such proceedings, be deemed to be acting as the court. The clerk of the court shall keep a separate book, in which shall be entered each case, the date and place of record of the assignment, and a minute of all proceedings therein, under this act, with such particularity as the court shall direct by general order. He shall record therein at length the orders and decrees of the court, settling, rejecting or adjusting claims, and directing the payment of money, or releasing assets by the assignee, and removing or discharging the assignee and his sureties, and such other orders as the court shall direct by general order. The said clerk shall securely keep the papers in each case in a file by themselves, and shall be entitled to a fee of one dollar for filing all the papers in each case, and entering the proceedings in the minute book, and fifty cents, to be paid by the assignee, unless otherwise directed, for recording each order or decree required by this act or the general order of the court.

Clerk to keep assignment book.

§ 7. Section twenty-six of said act is hereby amended so as to read as follows:

§ 26. The court, in its discretion, may order a trial by jury or before a referee, of any disputed claim or matter arising under the provisions of this act, or the acts hereby amended. It may in its discretion award reasonable counsel fees and costs, determine which party shall pay the same, and make all necessary rules to govern the practice under this act. The assignee or assignees named in any assignment shall receive for his or their services a commission of five per centum on the whole sum which will have come into his or their hands.

Trial.

Fees and costs.

Commission of assignee.

See, also, *McDonald v. Moore*, 1 Abb. New Cas. 53; *Haas v. O'Brien*, id. 173; *Von Hein v. Eukins*, 8 Hun, 516; *Yates v. Lyons*, 61 N. Y. 344; *Hausett v. Vassar*, 2 Abb. New Cas. 223. As to jurisdiction of proceedings, see *Matter of Nicholas*, 15 Hun, 817. Security on appeal. *Matter of Beckwith*, id. 326.

CHAP. 323.

AN ACT to amend chapter four hundred and forty-nine of the laws of eighteen hundred and seventy-six, entitled "An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the legislature, entitled 'An act relating to courts officers of justice and civil proceedings.'"

Code of Civil Procedure.

PASSED May 23, 1878; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision third of section five of chapter four hundred and forty-nine of the laws of eighteen hundred and seventy-six, entitled "An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the legislature, entitled 'An act relating to courts, officers of justice and civil proceedings,'" is hereby amended so as to read as follows:

Amending Laws 1876, ch. 449. (Temporary Act.)

Including provisions as to poor parties.

3. In chapter fifth, sections four hundred and fifty, four hundred and fifty-four, four hundred and fifty-five, four hundred and fifty-eight to four hundred and sixty-eight, both inclusive, apply to an action commenced in any court of the state, on or after the first day of September, eighteen hundred and seventy-seven.

§ 2. This act shall take effect immediately.

The amendment consists in including the sections between 453 and 468 which relate to "Parties prosecuting and defending as poor persons."

CHAP. 324.

Wills.

AN ACT to amend chapter six hundred and eighty of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act in relation to wills'" passed April twenty-third, eighteen hundred and sixty-four.

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending Laws 1872, ch. 680, § Edm. 420.

SECTION 1. The first section of chapter six hundred and eighty of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled an act in relation to wills," passed April twenty-third, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

Record of probate of wills in other states evidence.

SECTION 1. When any real estate, situate in this state, has been or shall hereafter be devised by any person residing out of this state and within any other state or territory of the United States, and the last will and testament of such person shall have been finally admitted to probate in such other state or territory, and filed or recorded in the office or court where the same shall have been admitted to probate, an exemplified copy of said last will and testament, or of such record thereof, and of the proofs, if any proofs are on file or recorded in said office or court, which fact shall be certified by the probate court or clerk thereof, in which said will is recorded, may be recorded in the office of the surrogate of any county in this state where any real estate so devised is situated, which record in said surrogate's office, or an exemplified* copy thereof, shall be, in cases when the original cannot be produced, presumptive evidence of said will, and of the due execution thereof, in all actions or proceedings relating to the lands so devised.

§ 2. This act shall take effect immediately.

Repealed by L. 1880, ch. 245. See Co. Civ. Proc., § 2708.

* So in the original.

CHAP. 325.

AN ACT to amend article three, title four, chapter two of part four of the Revised Statutes, entitled "Of the removal of indictments before trial or judgment." Removal of indictments.

PASSED May 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seventy-six of article three of title four of chapter two of part four of the Revised Statutes, is hereby amended so as to read as follows: Amending
§ R. S. 731.
§ Edm. 754.

§ 76. Every person against whom an indictment shall be pending in any court of sessions may apply to any justice of the supreme court for an order to remove such indictment to the court of oyer and terminer of the county in which the same was found, upon serving notice of such application, together with copies of the papers upon which the same is made, upon the district attorney of the county in which such indictment was found at least ten days before making such application. To what officer to apply.

§ 2. Section seventy-eight of said article is hereby amended so as to read as follows:

§ 78. The officer to whom such application is made may grant an order that such indictment be removed to, and that the defendant therein be tried at, the next court of oyer and terminer to be held in the county where such indictment was found, in case it shall appear that the application therefor was made in due season, and that such removal will produce no injurious delay and will not in any way tend to prevent a due prosecution of such indictment, but such order shall not be effectual unless notice of application for the same be given to the district attorney of such county as provided in section seventy-six. When order to be granted.

CHAP. 326.

AN ACT declaring both branches of the Oswegatchie river, in the towns of Croghan and Diana, Lewis county, public highways.

PASSED May 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Both branches of the Oswegatchie river, running through the towns of Croghan and Diana, in the county of Lewis, from their sources to their point of junction in said town of Diana, are hereby declared and made public highways for the purpose of floating timber and logs thereon. Part of Oswegatchie river a public highway.

§ 2. No dam shall be hereafter erected on said branches of said river aforesaid without a sluice of not less than six feet nor more than ten feet in width, with one or more gates so located as to easily pass logs and timber.

- Boom.** § 3. No boom shall be hereafter erected on either of said branches of said river aforesaid without a passage or water-way at least ten feet in width, and said water-way may be closed, except when necessary to be open for the purpose of floating logs and timber.
- Penalty.** § 4. Any person willfully obstructing said branches of said river aforesaid by booms or otherwise, so as to prevent the passage of logs and timber, shall be liable to a penalty of twenty-five dollars for each day of such obstruction, to be sued for and collected by any person aggrieved thereby.
- Floating logs.** § 5. Persons desirous of floating logs or timber down said branches of said river may construct a sufficient sluice and shute or apron in any dam across said branches, and may reconstruct any booms already constructed in, over, or across said stream in such manner as to allow logs and timber to pass by the same, or may construct temporary booms to secure the logs of other persons, doing no unnecessary damage to the owner or occupant. Such person shall pay to such owner or occupant such damages as he or they may sustain by reason of the alteration of such dam or boom in constructing temporary booms, to be ascertained by three commissioners to be appointed by the county court of the county in which such dams or booms are situated, on the application of either party, and written notice of ten days to the other party, unless the parties agree. And said county court shall always be open for such application.
- Damages.** § 6. The damages sustained by the riparian owners on said branches of said river shall be assessed by three commissioners to be appointed by the supreme court. The report of said commissioners to be filed in said county court. The commissioners to receive three dollars per day, to be paid by the person or persons making application for such commission.
- Commissioners.** § 7. The occupant of any land on said branches of said river may apply to the supreme court for the appointment of three commissioners. Ten days' written notice of such application shall be given by the applicant to the other owners or occupants of lands on said branches of said river, by serving the same personally or leaving the same at the residence of such owner or occupant.
- Proceedings.** § 8. The said commissioners shall take the constitutional oath of office, give at least ten days' notice of the time and place of such assessment of damages to such owners or occupants, shall view the premises and hear any proof and allegations offered by any of the owners of any of the land over and above which said branches of said river flow, and shall make their appraisal in writing, and certify their fees and charges, and deliver such appraisal in the Lewis county clerk's office. Said clerk shall lay the same before the board of supervisors of Lewis county. The board of supervisors aforesaid shall cause the said damages, together with the fees and charges of said commissioners, to be levied and collected as other county charges are raised, and the money, when collected, shall be paid to the county treasurer, who shall pay said commissioners and owners.
- Damages to be levied, collected and paid.** § 9. Said commissioners shall receive the sum of three dollars per day for the time employed by them.
- Pay of commissioners.** § 10. Any riparian owner aforesaid may release to the people of this state all claims for damage provided under this act. Such release shall be filed in the Lewis county clerk's office by the said owner, or any commissioners appointed under this act to whom such notice may be given.
- Release of damages.** § 11. This act shall take effect immediately.

CHAP. 334.

AN ACT supplemental to chapter six hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the organization and regulation of certain business corporations."

PASSED May 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for any corporation formed under chapter six hundred and eleven laws of eighteen hundred and seventy-five, by either Patrons of Husbandry or Sovereigns of Industry, or jointly by both, to fix in their by-laws or constitution the following provisions, namely:

Patrons of Husbandry.
Sovereigns of Industry.

First. The amount of each share, which shall not be less than five dollars.

Second. The number of shares that shall be held by each director, which shall not be less than one full share.

Third. The basis of voting at all meetings of associations or directors thereof, giving at least one vote to each member having paid for one full share.

§ 2. This act shall take effect immediately.

Ante, p. 222.

CHAP. 337.

AN ACT to amend section one, chapter two hundred and nine of the laws of eighteen hundred and seventy-seven, entitled "An act regulating the amount of capital stock for fire and marine insurance companies."

Insurance companies.

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one, chapter two hundred and nine of the laws of eighteen hundred and seventy-seven, is hereby amended so as to read as follows:

Amending Laws 1877, ch. 209, ante, p. 401.

§ 1. No stock company shall be hereafter organized under the laws of this state, for the transaction of fire or marine insurance business, with a smaller capital than two hundred thousand dollars, the sum to be paid in in cash.

Capital of stock companies.

§ 2. This act shall take effect immediately.

CHAP. 344.

Lateral
canals.

AN ACT to amend chapter four hundred and four of the laws of eighteen hundred and seventy-seven, entitled "An act to provide for the disposition and sale of certain lateral canals of this state, and the lands, rights and other property connected therewith."

PASSED May 23, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1877,
ch. 404,
ante, p. 429.

SECTION 1. Section three of chapter four hundred and four of the laws of eighteen hundred and seventy-seven, entitled "An act to provide for the disposition and sale of certain lateral canals of this state, and the lands, rights and other property connected therewith," is hereby amended so as to read as follows:

Canals to
be adver-
tised and
sold.

Crooked
Lake.

Chenango.
Chemung.

Genesee.
Valley.
Water
rights on
Chemung
river.

§ 3. It shall be the duty of the canal commissioners or superintendent of public works, subject to the approval of the canal board, as soon as practicable after the passage of this act, except as hereinafter provided, to advertise for sale and to sell the following property belonging to this state; namely: the Crooked Lake canal, its appurtenances and the water privileges connected therewith, provided the hydraulic action and the natural flow of the outlet of said lake shall not be diverted or changed; any of the provisions of this bill to the contrary notwithstanding, also, immediately after the close of navigation, in the year eighteen hundred and seventy-eight, to advertise for sale and to sell that portion of the Chenango canal as described in section two of this act; also the Chemung canal and its feeders, branches, appurtenances and water privileges; and, after the close of navigation, in the year eighteen hundred and seventy-eight, the Genesee valley canal, its feeders, branches, appurtenances and water privileges. When the Chemung canal shall cease to be used as such, the water power, rights and privileges of the Chemung river, so far as they were taken and appropriated for the purposes of the canals, shall revert to the person or persons from whom they were taken or to their successors in interest, and in any sale of that canal, such rights shall be reserved; but no dam or any water privilege sold or conveyed by the state shall be of any greater height or of less width of spillway than the same was originally built by the state.

§ 2. Section four of said act is hereby amended so as to read as follows:

How to be
adver-
tised.

§ 4. It shall be the duty of the superintendent of public works to advertise any property, privileges or rights intended to be sold under this act, daily (except Sundays) for twelve weeks immediately prior to such sale, in the state paper at Albany, and in such other newspapers, if any, published on the line of the canals to be sold, not exceeding three, as said superintendent of public works may select, and to give in such advertisements a full and detailed description of the property to be sold, with the names of the owners of the adjoining lands, and streets in cities, and also to state therein the time and place of sale. Any sale so advertised may be postponed not longer than one month, when, in the judgment of the superintendent of public works, for lack of bidders or other cause, such postponement will be

Postpone-
ment
of sale.

advantageous to the state. But where an option is given to purchase at an appraised valuation, as hereinafter provided, no advertisement for such sale for an appraised amount shall be necessary.

§ 3. Section six of said act is hereby amended so as to read as follows:

§ 6. Such cities and villages shall have the right and option, for one month after written notice of such appraisal from the superintendent of public works, of taking and purchasing such portions of said canals, with their inlets and outlets, as may be so appraised for such purpose, at the appraised value thereof, upon the payment of one-fourth of the purchase price at the time of sale, and the balance thereof in six equal annual payments, with interest at six per centum per annum, to be secured by the bonds of the cities or villages purchasing, and any city or village desiring to make such purchase is hereby authorized to borrow money and issue its bonds for that purpose. The certificate of the superintendent of public works shall be given for the sale, but no deed shall be given therefor until the final payment of all the principal and interest due thereon, and a failure to pay the interest or any part thereof when due shall give the canal board the right to declare such sale null and void, and all moneys paid thereon shall in that event be forfeited to the state, and all rights in such lands, rights or privileges, shall revert to the state. The water privileges connected with such portions of the canals so to be appraised for sale to municipalities shall be included in such appraisals, and shall be sold with such portions of the canals, so that the ownership and control thereof may be invested in such municipalities.

When cities and villages to have option.

Certificate of sale.

Failure to pay.

Water privileges.

§ 4. Section seven of said act is hereby amended so as to read as follows:

§ 7. In case the city or village entitled to such option shall not, within one month after notice of such appraisal as hereinbefore provided, purchase the property so appraised, then the person or persons who, at the time of such appraisal, are in the use and occupation or are entitled to have the use and occupation of such water privileges as may be so appraised; and in cases where it shall appear that the title of the state to such lands was acquired by grant or otherwise from the owner or owners, and without the payment of any consideration therefor, such owner or owners, their heirs and assigns, of the property adjoining and from which the same has been taken, shall have the first right and option of taking and purchasing the same at the appraised value thereof, and in case no appraisal is had, upon such conditions and terms of payment as shall be approved by the canal board.

Option after cities and villages.

§ 5. Section nine of said act is hereby amended so as to read as follows:

§ 9. All such portions of said canals and their branches and feeders so directed to be sold as pass through farming lands, and are not referred to in section five of this act except as hereinafter provided, shall be sold and conveyed by said superintendent of public works to the owners of the adjacent lands, the whole width thereof to the adjacent owner who is possessed of the fee on both sides thereof; and in cases where separate owners are in possession of the fee of the adjacent lands, then to the centre of the prism of the canal to the owners on each side, in consideration of and upon the condition precedent that such owners shall, in writing under their hands and seals, release the state from all obligation to maintain the bridges and other structures

Sales to adjacent owners.

connected with such portions of the canals, and from all liability for damages arising from the abandonment thereof.

§ 6. Section twelve of said act is hereby amended so as to read as follows:

Proceeds. § 12. The proceeds of all sales as aforesaid made shall be applied, first to the payment of the expenses incurred under this act, and the balance shall be paid into and become a part of the sinking fund, to pay the interest and redeem the principal of the canal debt as provided for in article seven, section three of the constitution of this state. All conveyances given for sales made under this act shall be in the name of the people of this state, and shall be executed by the governor and attested by the seal of the state, and countersigned by the secretary of state, and shall be recorded in the office of the secretary of state, in books of record to be provided and kept by said secretary for that purpose. A fee of one dollar and fifty cents shall be charged by the secretary for such record and certificate thereof, to be paid by the purchaser.

Forms of conveyances. § 7. This act shall not affect any disposition of the lateral canals already made, except to complete and perfect the same, or which may hereafter be made by law, before any sale by which the use or fee of any of said canals may be otherwise disposed of.

Fee. § 8. The superintendent of public works is hereby authorized to contract and settle on equitable terms with the commissioners of highways in towns and with the officers having the powers of commissioners of highways in villages and cities, respecting the disposition of farm bridges and highways or street bridges over said canals and respecting any compensation justly to be made on account of such disposition.

§ 9. This act shall take effect immediately.

CHAP. 345.

Courts in New York.

AN ACT to repeal a part of chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts," and so as to revive so much of chapter four hundred and thirty-eight of the laws of eighteen hundred and seventy-two, entitled "An act relating to courts of record and other courts in the city and county of New York" as relates to clerks of district courts in the city of New York.

PASSED May 28, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Repealing part of chap. 417, Laws 1877. (Repealing Act.) ante, p. 484.

SECTION 1. So much of subdivision forty-six of section one of chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts," as repeals that portion of chapter four hundred and thirty-eight of the laws of eighteen hundred and seventy-two, which relates to clerks and assistant clerks of the district courts of the city of New York, is hereby repealed, and so much of the last mentioned act as relates to the clerks and assistant clerks of the district courts of the city of New York, and the mode of appointment, tenure of office, powers, duties

and salaries of such clerks and assistant clerks, is hereby revived so far as it has been heretofore repealed, and the clerks and assistant clerks who were such when such repealing act was passed are continued as though such act had never taken effect; and nothing in this act contained shall abridge or extend the terms of office for which the present clerks and assistant clerks were originally appointed.

§ 2. This act shall take effect immediately.

CHAP. 347.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs."

Savings
Banks.

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-two of chapter three hundred and seventy-one, of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs," is hereby amended so as to read as follows:

Amending
Laws 1876,
ch. 871,
ante, p. 121.

§ 32. It shall be unlawful for any savings bank, directly or indirectly, to deal or trade in real estate, in any other case or for any other purpose than as authorized in section twenty-nine of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the terms of this act, and except such personal property as may be necessary in the transaction of its business; and it shall be unlawful for any savings bank, or for any officer thereof in his regular attendance upon the business of such bank, in any manner to buy or sell exchange, or gold or silver, or to collect or to protest promissory notes or time bills of exchange; but this restriction shall not prevent savings banks from selling gold or silver received in payment of interest or principal of obligations owned by the bank, or from depositors in the regular course of business, nor from paying regular depositors, when requested by them, by draft upon deposits to the credit of the bank in the city of New York, and charging current rates of exchange for such drafts; and no savings bank shall make or issue any certificate of deposit, payable either on demand or at a fixed day, nor pay any interest except regular quarterly or semi-annual dividends upon any deposits or balances, nor pay any interest or deposit or portion of a deposit, or any check drawn upon itself by a depositor unless the pass book of the depositor be produced and the proper entry be made therein at the time of the transaction; provided, however, that the board of trustees may by their by-laws provide for making payments in cases of loss of pass book, or other exceptional cases where the pass book cannot be produced without loss or serious inconvenience to

Not to
trade in
real estate
or personal
property
except as
author-
ized.

Not to buy
or sell ex-
change,
gold,
notes, etc.

Not to
issue cer-
tificates
of deposit.
Interest on
deposits.
Checks.

depositors, the right to make such payments to cease however, when so directed by the superintendent of the bank department upon his being satisfied that such right is being improperly exercised by any savings banks; and provided, further, that payments may be made upon the judgment or order of a court, or the power of attorney of a depositor.

Deposits,
limits of.

§ 2. It shall be unlawful after the passage of this act for any savings bank, directly or indirectly, to receive from any individual a deposit or deposits in excess of three thousand dollars, but this limitation shall not apply to deposits arising from judicial sales or trust funds.

Trustees.

§ 3. No person shall after the passage of this act be elected trustee of any savings bank who is not a resident of this state, and removal from the state by any trustee hereafter elected shall vacate his office.

§ 4. This act shall take effect immediately.

CHAP. 349.

AN ACT to facilitate the removal of human remains from burying grounds within the limits of cities.

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Removal
of remains
from cem-
eteries.
66 Pa. St.
411; S. C.,
5 Am. Rep.
377; 19 Alb.
L. J. 166;
20 How. Pr.
317; S. C.,
11 Abb. 30;
32 Barb. 42;
39 Md. 631;
4 Bradf. 508.

SECTION 1. Whenever the trustees of any church or religious corporation owning a burying ground within the limits of any city in this state, shall by resolution determine that it is expedient to remove the human remains buried therein, it shall be lawful for them to proceed as follows: They shall, by notice read to the congregation on two successive Sundays and posted at the principal door of the church for two weeks previously, and published daily in one of the city papers having the largest daily circulation for the same period of time, call a meeting of the pewholders of such church for the purpose of considering the subject of such removal; and in such notice they shall state the time and place of such meeting, and the purpose thereof. Such meeting shall be organized by electing a president and secretary by a majority of the pewholders thereat. If three-fourths of the pewholders present at such meeting shall vote in favor of such removal, the president and secretary of said meeting shall execute a certificate showing the proceedings of such meeting, which shall be proved or acknowledged in the same manner as deeds are required by law to be proved or acknowledged, and shall be recorded in the office of the register of the city or clerk of the county in which such burying ground is situated. And no other consent shall be necessary or required to authorize such removal.

Who to
make.

§ 2. Such removal shall be made by the trustees of such church, their agents and servants, at such time or times and in such manner as the board of health in such city may direct.

At whose
expense.

§ 3. Such removal shall be made at the expense of such church or religious corporation, to any other burying ground owned by them, in an appropriate manner, together with the tombstones proper thereto;

and such tombstones shall be erected again at the place of removal over the appropriate remains in all cases where the same can be identified.

§ 4. The provisions of sections two and three of chapter two hundred and fifteen, of the laws of eighteen hundred and forty-two, shall not apply to any case in which the certificate mentioned in the first section of this act shall have been duly recorded.

When ch.
215, Laws
1842, §§ 2
and 3, not
to apply.
8 Edm. 745.

CHAP. 354.

AN ACT to amend chapter one hundred and thirty, laws of eighteen hundred and forty-two, entitled "An act respecting elections other than for militia and town officers," and the several acts amendatory thereof. Elections.

PASSED May 24, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title one of chapter one hundred and thirty of the laws of eighteen hundred and forty-two, entitled "An act respecting elections other than for militia and town officers," and the several acts amendatory thereof, is hereby amended by adding thereto the following as an additional section:

Amending
Laws 1842,
ch. 130.
§ Edm.R.S.
115.

§ 6. This title shall apply to all town meetings held in the several towns of this state, as well as to the elections named and provided for in this act.

Title one
to apply to
town
meetings.

§ 2. Title seven of chapter one hundred and thirty of the laws of eighteen hundred and forty-two, entitled "An act respecting elections other than for militia and town officers," and the several acts amendatory thereof, is hereby amended by adding thereto the following as an additional section:

§ 16. This title shall apply to all town meetings held in the several towns in this state, as well as to the elections named and provided for in this act.

Title seven
to apply to
town
meetings.

§ 3. This act shall take effect immediately.

Ch 130 of the Laws of 1842, was spoken of as a part of the Revised Statutes, in ch. 203, Laws 1854. Title one of the act of 1842 provided for the qualifications, disabilities and privileges of electors. Title seven provides a penalty for violating the law and for misconduct at elections.

CHAP. 359.

Racket
river.

AN ACT to amend section nine, chapter ninety of the laws of eighteen hundred and sixty-nine, entitled "An act to provide for improvement of the navigation of the Racket river and of the hydraulic power thereon, and to check freshets therein."

PASSED May 24, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws 1869,
ch. 90.
7 Edm. 416.

SECTION 1. Section nine of chapter ninety of the laws of eighteen hundred and sixty-nine, entitled "An act to provide for the improvement of the navigation of the Racket river and of the hydraulic power thereon, and to check freshets therein," is hereby amended so as to read as follows :

When as-
essment
effective.

Appraisers
to certify
action.
Collection
of assess-
ment.

§ 9. As soon as all appeals from such assessment shall have been heard and decided as aforesaid, or in case there shall be no appeal therefrom within twenty days, then, at the end of twenty days from the filing thereof, said assessments shall be effective and valid, and the said appraisers shall certify their action in the premises, and furnish a detailed statement of their assessments to said commissioners, who shall notify the persons whose property is assessed by advertisement and circular, as provided in the last section, where the sums so assessed may be paid for the space of thirty days from the day of the first publication of said notice or advertisement, and in case any of the sums so assessed shall not be paid to said commissioners within said thirty days, then and after the expiration of said thirty days, the said commissioners may and shall proceed to collect the same in the same manner and with the same effect as if the said several sums were the several debts of the person so assessed due to said commissioners, and secured to be paid by mortgage upon the property so assessed as aforesaid. And the said commissioners may maintain actions at law, or suits in equity for the collection of said moneys or the enforcement of such liens; and in all such suits and actions the said detailed statement so furnished by said appraisers to said commissioners shall be conclusive evidence of the amount and validity of such assessment and of such lien, and of the regularity of all previous proceedings.

§ 2. Nothing in this act contained shall affect any suit now pending or rights accrued.

CHAP. 367.

AN ACT to amend chapter one hundred and seven of the laws of eighteen hundred and seventy-eight, entitled "An act requiring justices of the peace to give bonds."

PASSED May 24, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one, chapter one hundred and seven of the laws of eighteen hundred and seventy-eight, entitled "An act requiring justices of the peace to give bonds," is hereby amended so as to read as follows :

Amending
Laws 1878,
ch. 107,
ante, p.

§ 1. Every justice of the peace elected or appointed in any of the towns or cities of this state shall, before he enters upon the duties of his office, execute an instrument in writing with two sureties, to be approved by the supervisor of the town, (or the town clerk thereof where the said justice of the peace is also the supervisor of said town), or the common council of the city in which such justice shall reside, conditioned that he will pay over on demand to the officer, person or persons entitled to the same, all moneys received by him in virtue of his office, and previous to entering upon the discharge of his official duties, shall file the said instrument in the office of the clerk of the city or town in which he shall reside.

Justices to
give
bonds.

§ 2. This act shall take effect immediately.

The amendment consists in adding the matter in parentheses. See chs. 201 and 360, L. 1879, and chs. 221 and 341, L. 1880, *post*, pp. 738, 773, 953 and 989.

CHAP. 369.

AN ACT to provide for a hall of military record and the maintenance thereof.

PASSED May 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Hall of
Military
Record.

SECTION 1. The new capitol commissioners are hereby required to set apart and suitably furnish sufficient apartments in the new capitol to be known and maintained as the Hall of Military Record.

§ 2. The interest arising from the investment of the funds heretofore contributed by towns, cities and individuals, for the erection of such hall of military record, shall be hereafter devoted to the maintenance of such hall of military record.

CHAP. 370.

AN ACT limiting the time and expense of completing the Adirondack survey.

Adiron-
dack sur-
vey.

PASSED May 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Survey to
be com-
pleted in
six years.

SECTION 1. The time for the completion of the topographical survey and exploration of the Adirondack wilderness region is hereby limited to six years from the passage of this act ; and the topographical character of the work shall be complete in all respects throughout the area under survey.

Annual
appropri-
ation.

§ 2. The annual appropriation for the purposes of the survey shall be ten thousand dollars ; and the compensation of the superintendent thereof shall be paid out of this sum at the rate fixed by chapter three hundred and twenty-three of the laws of eighteen hundred and seventy-four, and the said sum of ten thousand dollars is hereby appropriated, out of any funds in the treasury not otherwise appropriated, for the purpose of carrying out the provisions hereof for the year eighteen hundred and seventy-eight.

Annual
report.

§ 3. A full report on the progress of the survey shall be annually presented, printed, to the legislature, within sixty days after the meeting thereof.

§ 4. This act shall take effect immediately.

CHAP. 372.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs." Savings banks.

PASSED May 28, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-four of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs" is hereby amended so as to read as follows: Amending Laws 1875, ch. 371, ante, p. 121.

§ 44. Whenever it shall appear to the said superintendent, from any examination made by him, or from the report of any examination made to him, or from the report made by any such corporation pursuant to the requirements of sections thirty-six, thirty-seven and thirty-eight of this act, that any such corporation has committed any violation of its charter or of law, or is conducting its business and affairs in an unsafe or unauthorized manner, he shall, by an order under his hand and seal, direct the discontinuance of such illegal and unsafe or unauthorized practices, and strict conformity with the requirements of the law, and with safety and security in its transactions; and whenever any such corporation shall refuse or neglect to make any such report as is hereinbefore required, or to comply with any such order as aforesaid, or whenever it shall appear to the superintendent, that it is unsafe or inexpedient for any such corporation to continue to transact business, he shall communicate the facts to the attorney-general who shall thereupon institute such proceedings as the nature of the case may require. Duty of superintendent in case of misconduct of bank.

The proceedings instituted by the attorney-general may be for the removal of one or more of the trustees, or for the transfer of the corporate powers to other persons, or the consolidation and merger of the corporation with any other savings corporation that may be willing to accept of the trust, or for such other or further relief or correction as the particular facts communicated to him shall seem to require. And the court before which such proceedings shall be instituted shall have power to grant such orders, and in its discretion from time to time to modify or revoke the same and to grant such relief, and render such judgment, as the facts, or evidence in the case, and the situation of the parties, and the interests involved, shall seem to require; and whenever in such proceedings an order shall be granted, upon notice, or without notice, restraining such corporation and its officers, from paying out or disposing of any moneys or property of, or held by such corporation, the superintendent may, and if directed by the court, shall take temporary possession of all the assets, property and rights of, or held by such corporation, and hold such possession until the further order of the court. If a receiver be appointed he shall, subject When attorney-general to institute proceedings.

What proceedings attorney-general may institute.

Power of court.

When superintendent to take possession of assets.

Receiver.

to the direction of the court, proceed with diligence to convert the assets of the bank into money and to make distribution thereof. He shall whenever required by the court upon the application of the attorney-general render an account of his proceedings, and shall render a full account of all his proceedings and make final distribution within eighteen months from the time of his appointment, unless the court upon application by the receiver and notice to the attorney-general shall give additional time for that purpose. The court may make such orders for the payment of such deposits, by the receiver or such other provisions in respect to such deposits to facilitate the distribution of the assets as may be just.

§ 2. This act shall take effect immediately.

Superseded by ch. 422, L. 1879, *post*, p. 791.

CHAP. 377.

Highways
and
bridges.

AN ACT in relation to the disposition and application of moneys raised and collected in the towns of this state for highway and bridge purposes.

PASSED June 1, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Moneys
raised for
highways
and
bridges
to be paid
to high-
way com-
mission-
ers.

Supervise-
ors to
issue war-
rants.

When not
to be paid
over to
village au-
thorities.

Duty of
commis-
sioners of
highways.

Not to ap-
ply in cer-
tain cases.

SECTION 1. All moneys raised and collected upon the taxable property of any of the towns of this state, for highway and bridge purposes, shall be paid over by town collectors of taxes to the commissioners of highways of the towns in which said moneys are so raised and collected, and to no other officer or person whatsoever. It shall be the duty of the board of supervisors to issue warrants to the collectors of towns requiring the paying over by them, of all moneys raised and collected for highway and bridge purposes, to the commissioners of highways of towns ; and it shall not be lawful for the board of supervisors of any county, to issue warrants to town collectors directing them to pay over any moneys raised and collected upon any town for highway and bridge purposes, to the village authorities of any incorporated village, situated wholly or partly in any town.

§ 2. It shall be the duty of the commissioners of highways in the several towns in this state to expend all moneys raised and collected in any town and paid over to such commissioners of highways, upon the highways and bridges, situated in the town in which such moneys are raised and collected, and not elsewhere, in such proportions as they may deem just and proper.

§ 3. This act shall not apply to incorporated villages constituting a separate road district, or to special road districts of this state, now provided for by special act.

§ 4. This act shall take effect immediately.

Amended 1879, ch. 67, *post*, p. 700.

CHAP. 378.

AN ACT for the protection of life, and to prevent accidents by vessels navigating the port and harbor of New York, and waters adjacent thereto.

Port and
harbor of
New York.

PASSED JUNE 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any steamship, vessel, ferry-boat, steamboat or other water craft of what name or description soever, while using the waters in and adjacent to the port and the harbor of the city of New York, and within the jurisdiction of the state of New York, as hereinafter designated and limited, for any of the purposes of navigation during and at the time of the existence of a fog thereon, rendering such navigation hazardous, and requiring care to prevent collisions and other accidents incident to navigation, unless such steamship, vessel, ferry-boat, steamboat or other water craft shall, through the owner or owners, pilot, master or other person in charge thereof, comply with the requirements contained in the next succeeding section of this act.

Provisions
as to navigation
during
fog.

§ 2. It shall be the duty of the owner, master, pilot or other person in charge of any such steamship, vessel, ferry-boat, steamboat or other water craft, if, and while moving in said waters during the existence of any such fog, in the day or night time, to use a fog-horn, steam whistle, bell, electrical light, or other cautionary light or signal, and to blow said horn or whistle and ring said bell continuously while said steamship, vessel, ferry-boat, steamboat or other craft is or may be in motion; and such movements only shall be had by either such steamship, vessel, ferry-boat, steamboat, or other water craft within the limit, time and in the manner in the next section provided.

Signals
during a
fog.

§ 3. It shall not be lawful for any steamship, vessel, ferry-boat, steamboat or other water craft to navigate the waters so herein designated, during the existence of a fog thereon, as fully expressed in the first section of this act, to cross the line of any ferry now or hereafter maintained to and from the city of New York, without showing and, in case of extreme danger, coming to anchor before so doing; and such crossing shall not then be had directly, but shall be made laterally to the course of said ferry; and the speed of such steamship, vessel, ferry-boat, steamboat or other water craft in motion at such time shall not exceed four miles per hour.

Movements limited.

Crossing
line of
ferry.

Speed of
vessels.

§ 4. Any violation of the provisions hereof shall be chargeable directly upon the owner, master, pilot or person in charge of any such steamship, vessel, ferry-boat, steamboat, or other water craft; and any such owner, master, pilot, or other person in charge of any such steamship, vessel, ferry-boat, steamboat or other water craft offending against, or violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction punishable by a fine not exceeding two hundred and fifty dollars or imprisonment not exceeding one year, or by both such fine and imprisonment.

Penalty.

§ 5. The port and harbor of New York shall, for the purposes of this act, be deemed and held to extend to and cover the waters of New York bay to and including quarantine, East river and Harlem river to Harlem bridge and the waters of Long Island sound to Flushing bay; the North or Hudson river to the city of Yonkers, and the Kill-von-Kull to Shuter's island, so far as the same are within the jurisdiction of the state of New York.

Extent of
port and
harbor of
New York.

§ 6. This act shall take effect immediately.

CHAP. 379.

AN ACT relative to judgments entered upon forfeited recognizances in the city and county of New York.

PASSED JUNE 1, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any one of the judges presiding at the court of general sessions of the peace in and for the city and county of New York, and any justice presiding at a court of oyer and terminer in said county, in whichever court any recognizance shall have been forfeited may,

When
judgments
on forfeited
recognizances.

may be
vacated.
Amended
by ch. 481,
L. 1879,
post. p.
808.

Repay-
ment of
fine.

Clerk to
enter
order.

Repeal.

upon the certificate of the district attorney of the county of New York, that the people of the state of New York have lost no rights by reason of the failure of a surety to produce a principal in compliance with the terms of a recognizance given by them, and that, by reason of the principal being produced, the said people of the state of New York are in as good a position to prosecute said principal as when such failure occurred, whether such principal has been tried, or whether a nolle prosequi has been entered or not, by order vacate and set aside any judgment heretofore entered or that may be hereafter entered upon the forfeiture of such recognizance against such principal and surety, on payment to the chamberlain of the city of New York of all costs included in such judgment or judgments, and of all expenses incurred in the apprehension or recapture of such principal, and if such fine shall have been paid or the judgment collected, in whole or in part, upon such forfeited recognizance, the same shall be remitted, the officer, district attorney, chamberlain of the city of New York, in whose hands the money remains, must pay the same, or the part remitted, according to the order, retaining the costs, if any, as aforesaid.

§ 2. The clerk of the county where said judgment is docketed, upon the receipt of a duly certified copy of the order of such court vacating, remitting or modifying such judgment, shall enter the same upon his docket, and the judgment referred to in said order shall thereupon be and become vacated, remitted or modified in accordance with the terms of said order.

§ 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 380.

AN ACT relating to the public place or square known as Washington park in the city of New York.

PASSED June 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Washing-
ton
square.

SECTION 1. The public park, or place, or square in the city of New York, known as Washington square or Washington parade ground, shall (except as hereinafter provided) be used in perpetuity as one of the public parks, or squares, or places of said city, and shall be kept by the department of public parks in proper order, ornamented and protected, for the public use as a public park, and for no other use or purpose whatsoever.

§ 2. The street or roadway through said park, running from Fifth avenue on the north to South Fifth avenue on the southeast, shall be continued in use as one of the public streets of said city under the charge of the department of public works.

§ 3. This act shall take effect immediately.

CHAP. 333.

AN ACT relating to certain indebtedness of the city of New York, and to provide for the payment and cancellation of the same.

PASSED June 3, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The fund known as "the sinking fund of the city of New York, for the redemption of the city debt," shall be continued, and any excess there may be in said fund, after providing for the payment of the bonds and stocks of said city, payable therefrom, as provided by law, shall form a fund for the payment of other bonds and stocks of said city and county, as by this statute provided. All moneys and revenues of said city heretofore pledged and appropriated to and constituting and founding said sinking fund shall continue to be and the same are hereby pledged and appropriated to said fund until all of said bonds and stocks of the said city shall be fully and finally redeemed.

Redemption sinking fund.

§ 2. The fund known as the "sinking fund of the city of New York, for the payment of the interest accruing and to accrue upon the stocks of said city, until the same be fully and finally redeemed," shall be continued, and after providing for the payment of the interest on the bonds and stocks of said city, now payable therefrom as provided by law, shall form a fund which shall be transferred after the year eighteen hundred and seventy-eight, to the "sinking fund for the redemption of the city debt," and which transferred fund is hereby, in addition to the revenues and moneys aforesaid, pledged and appropriated to said last-mentioned sinking fund, until all the bonds and stocks of said city as aforesaid, are fully redeemed and paid.

Interest sinking fund when to be transferred to redemption fund.

§ 3. All moneys now in the treasury of said city heretofore collected and received in payment or on account of assessments made and confirmed for local improvements in said city, and all moneys which shall hereafter be collected and received in payment or on account of assessments made and confirmed or which may be made and confirmed, for local improvements completed prior to the passage of this act, shall be paid into the said sinking fund for the redemption of the city debt, and the same is hereby, in addition to the revenues and moneys aforesaid, pledged and appropriated to said last-mentioned sinking fund for the payment of the bonds and stocks of said city, to be paid and redeemed therefrom as hereinbefore provided.

Moneys from assessments for local improvements to be paid into redemption fund.

§ 4. Between the city and its creditors, holders of its bonds and stocks as aforesaid, there shall be and there is hereby declared to be a contract that the funds and revenues of the city and the funds to be collected from assessments as aforesaid, by this statute pledged to the sinking fund for the redemption of the city debt, shall be accumulated and applied only to the purposes of said sinking fund, until all of said debt is fully redeemed and paid, as herein provided.

Contract between city and creditors.

§ 5. Nothing in this act contained shall be held to require or authorize the commissioners of the sinking fund to use or apply any part or portion of the accumulations in said sinking fund for the redemption of the city debt or the revenues of said fund, in any manner whatever, whereby the security of said fund, for the payment

Sinking fund not to be alienated or impaired.

of the bonds and stocks of said city, for which said fund is now pledged by law, and which are a charge on said fund, shall be alienated or impaired, and the said bonds and stocks, so secured by law, are hereby declared to constitute a preferred charge on said sinking fund until the same are fully and finally paid and redeemed.

Preference of bonds and stocks.

Commissioners may call in bonded debt.

Consolidated stock.

§ 6. The commissioners of the sinking fund are hereby authorized and empowered to call in, pay and redeem any portion of the bonded debt now a charge upon the treasury of the said city, other than revenue bonds issued in anticipation of the collection of taxes, when they may deem it to be advantageous for the interests of the city so to do, and for this purpose the said commissioners of the sinking fund are hereby empowered to authorize by a concurrent vote, and direct the comptroller to issue and sell or exchange therefor, at not less than par, "consolidated stock" of said city, payable within a period of not less than twenty, nor more than fifty years from the date of issue thereof, and at a rate of interest not exceeding five per cent per annum, payable semi-annually; and upon the payment and redemption of any portion of said bonded debt the certificates thereof shall be canceled by said commissioners. The "consolidated stock" of said city, issued as by this section authorized, after fully providing for the preferred bonds and stocks of said city, as in the preceding section specified, shall form a charge upon the said sinking fund for the redemption of the city debt, and any part of said bonded debt falling due not exchanged for or redeemed from the proceeds of consolidated stock as herein provided, may be paid from said sinking fund for the redemption of the city debt, provided such payment shall not in any way impair the preferred claims thereon, as in the preceding section specified, and provided, also, the commissioners of the sinking fund shall deem it to be for the best interests of the city that such payment should be so made.

Bonds and stocks to be paid from sinking fund. When fund is insufficient deficit to be included in annual estimate.

Proviso.

§ 7. From the said sinking fund for the redemption of the city debt shall be paid and redeemed all preferred bonds and stocks of said city for the payment or redemption of which said fund is pledged, as aforesaid, and other bonds and stocks of said city as by this statute authorized, and whenever and as often as the commissioners of said sinking fund shall certify to the board of estimate and apportionment of said city that the accumulations in said sinking fund shall not be sufficient to meet the payment of any bonds or stocks falling due in the next following calendar year, it shall be the duty of said board, and it is hereby required, to include in the annual estimate for such year, to be raised by tax on the estates, real and personal, in said city, subject to taxation, such an amount to be applied to the payment of said bonds or stocks as shall be certified by said commissioners, and the amount so included in said estimate shall be paid into said sinking fund and applied as in this section specified; provided, however, that the amount so to be raised by tax and paid into the sinking fund, as in this section provided, shall not in any one year be less than the sum of one million dollars, nor more than two million dollars.

Money for payment of stocks and bonds hereafter issued, how raised.

§ 8. For the payment of all bonds and stocks of the said city hereafter issued pursuant to the provisions of any statute authorizing the same, and which by the provisions of such statute are payable from taxation—other than revenue bonds issued in anticipation of the collection of taxes—there shall be included in said annual estimate each year, to be raised by tax on the estates, real and personal, in said city, subject to taxation, a sum sufficient, with the accumulation of interest thereon, to meet and discharge the amount of said bonds or

stocks by the time the same shall be payable as such sum shall be certified to the said board of estimate and apportionment by the comptroller, and which sum so raised by tax shall be paid annually, on the first day of November, to the commissioners of the sinking fund, and shall be invested by them in the same manner as the revenues pledged to the sinking fund for the redemption of the city debt.

§ 9. Assessment bonds of said city hereafter issued pursuant to law to provide for the expense of local improvements contracted for or commenced after the passage of this act, and which expense is to be assessed upon the property benefited, shall be issued by the comptroller of the city when authorized by the board of estimate and apportionment, at not less than par, for such period as said comptroller may determine, not exceeding ten years, and bearing interest not exceeding six per cent per annum.

Assessment bonds.

§ 10. Whenever any bonds or stocks herein authorized to be issued, or any bonds or stocks of the city of New York, as provided by law, shall be hereafter issued, other than revenue bonds, or such bonds and stocks as may be purchased for investment by the commissioners of the sinking fund, the comptroller of said city shall invite proposals therefor by public advertisement for not less than ten days, and shall award the same to the highest bidder therefor; provided that no proposals for bonds or stocks shall be excepted for less than the par value of the same; and said proposals shall be only publicly opened by the comptroller in the presence of the commissioners of the sinking fund, or such of them as shall attend, at the time and place specified in the advertisement thereof. The comptroller, with the approval of said commissioners, shall determine what, if any, part of said proposals shall be accepted, and upon the payment into the city treasury of the amounts due by the persons whose bids are accepted, respectively, certificates therefor shall be issued to them as authorized by law.

Proposals for bonds and stocks hereafter issued.

§ 11. This act shall take effect immediately.

CHAP. 384.

AN ACT to further amend chapter one hundred and twenty-six of the laws of eighteen hundred and twenty-four, entitled "An act to incorporate the society for the reformation of juvenile delinquents in the city of New York," as amended by chapter two hundred and forty-one of the laws of eighteen hundred and sixty.

PASSED June 3, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of chapter one hundred and twenty-six of the laws of eighteen hundred and twenty-four, entitled "An act to incorporate the society for the reformation of juvenile delinquents in the city of New York," as amended by chapter two hundred and forty-one of the laws of eighteen hundred and sixty, is hereby further amended by adding thereto the following words: If any child now in the house of refuge, or who may hereafter be committed to it, is a crip-

Amending Laws 1824, ch. 128. 5 Edm. 206.

Disposition of children.

who are
crippled,
deaf, ill,
etc.

ple, or is deaf, blind, epileptic or imbecile, or becomes so while an inmate of the house of refuge, or if the health of any such child is or shall become impaired so that, in the judgment of the managers, such child is an improper subject for retention in the house of refuge, the managers may, in their discretion, notify the parents or guardian of the condition of such child and request the parents or guardian to remove such child from the institution. If the parent or guardian so notified fails to remove such child within fifteen days after the notice is given, or if there should be no such parent or guardian known to the managers, then the superintendent of the poor of the county whence such child was committed shall, on a written request of the managers, remove such child without delay, at the expense of the said county.

§ 2. This act shall take effect immediately.

CHAP. 389.

Police
pension
fund.

AN ACT to create a police pension fund for disabled and retired policemen in the city of New York.

PASSED June 4, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees.

SECTION 1. The police commissioners of the city of New York are hereby constituted a board of trustees of the police pension fund created by this act. They shall organize as such board by choosing one of their number to be chairman, and by appointing a secretary. The treasurer of the board of police commissioners shall be treasurer of the board of trustees. Such board of trustees shall have charge of and administer said fund, and from time to time invest the same, or any part thereof, as they shall deem most beneficial to said fund, and are empowered to make all necessary contracts and take all necessary and proper actions and proceedings in the premises, and to make payments from said fund of pensions granted in pursuance of this act, and also pensions now charged on said fund by or under existing laws, and said board of trustees shall be the legal successors of the trustee or trustees of the police life insurance fund now in existence. The said trustees shall, from time to time, establish such rules and regulations for the administration of the police pension fund as they may deem best. They shall report in detail to the common council of the city of New York, annually, in the month of January, the condition of the police pension fund, and the items of their receipts and disbursements on account of the same. No payments whatever shall be allowed or made by said trustees, as reward, gratuity or compensation, to any person for salary or services rendered to or for said board of trustees.

Treasurer.
Powers of
trustees.

Rules.

Report.

No pay-
ments
to be made
for
services.
Fund to
be paid to
trustees.
What fund
to consist
of.
Police life
insurance
fund.
Fines.

§ 2. The police pension fund, and all moneys, securities, revenues and incomes thereof, in whose hands soever the same may be, shall be paid over and delivered on demand to the trustees of said fund hereby constituted.

§ 3. The police pension fund shall consist of:

First. The capital, income, interest, dividends, cash deposits, securities and credits now belonging to said police life insurance fund, with the addition thereto from time to time of,

Second. All fines imposed by the board of police upon members of the police force, and

Rewards.
etc.

Third. All rewards, fees, gifts, testimonials and emoluments that may be presented, paid or given to any member of the police force for account of police services, except such as shall be allowed by the board of police to be retained by said member; and

Lost or
stolen
property.

Fourth. All lost or stolen money remaining in the hands of the property clerk for the space of one year, and for which there shall be no lawful claimant, and moneys arising from the sale by the said property clerk of unclaimed property; and

Deduction
from pay
of police.

Fifth. A sum of money equal to three dollars per month for each member of the police force, to be paid monthly by the treasurer of the board of police commissioners to the treasurer of the board of trustees of the police pension fund from moneys deducted from the pay of members of said force on account of lost time.

§ 4. The board of trustees of the police pension fund created by this act shall have power to grant pensions, as hereinafter provided, to any member of the police force of said city at the time of the passage of this act, or to any person who may hereafter become a member of the police force, to be paid from the police pension fund, by the board of trustees thereof, as follows:

Trustees
may grant
pensions.

First. To the widow of any member of the police force at the time of the passage of this act, or who may hereafter become a member of the police force who shall have been killed while in the actual performance of police duty, or shall have died from the effects of any injury received whilst in the actual discharge of such duty, or who has died or shall hereafter die after ten years of service in the police department of the city of New York, provided such death shall not have been caused by misconduct on his part, a sum of three hundred dollars per annum.

To widow.

Second. To any child or children under eighteen years of age of such member of the police force killed or dying as aforesaid, but leaving no widow, or, if a widow, then after her death to such child or children, being yet under eighteen years of age, the sum not exceeding three hundred dollars per annum.

Children.

Three. To any such member of the police force who, whilst in the actual performance of police duty, and by reason of the performance of such duty, and without fault or misconduct on his part, shall have become permanently disabled, physically or mentally, so as to be unfitted to perform full police duty, a sum not to exceed one-half nor less than one-fourth of his rate of compensation per annum.

Disabled
police-
men.

Fourth. To any such member of the police force of said police department who shall, after ten years' membership, become superannuated by age, or rendered incapable of performing full police duty by reason of disability or disease contracted without misconduct on his part, a sum of three hundred dollars per annum.

Superan-
nuated
police-
men.

Fifth. To any such member of the police force who shall, after fifteen years of membership, become superannuated by age, or rendered incapable of performing full police duty by reason of disability or disease contracted without misconduct on his part, a sum of four hundred dollars per annum.

To.

§ 5. Any such member of the police force who has or shall have performed police duty for a period of twenty years or upwards upon his own application or upon the certificate of the board of surgeons of the department of police certifying that such policeman is permanently disabled so as to be unfit for police duty may, in the discretion of the board of police by resolution unanimously adopted by a full board, be retired from service and placed upon the police pension roll, and thereupon shall be awarded, granted and paid from said police pension fund, by the trustees thereof, an annual sum during his life-time not exceeding one-half nor less than one-fourth the full pay of a member of said police force of the rank of the member so retired, provided, however, that no pension granted under the provisions of this act shall exceed the sum of one thousand dollars per annum. Pensions granted under this section shall be for the natural life of the officer, and shall not be revoked, repealed or diminished. In case any officer shall have voluntarily left the police department and entered into the United States service and served during the war of the rebellion and received an honorable discharge and afterwards shall have been reinstated in the police department, the time of his service in the army shall be considered as a portion of his service in the police department.

Retired
police-
men.

Officers
who left
the force
to enter
the army.

When pensions to terminate.

§ 6. Pensions to widows shall terminate when the widow shall remarry, and pensions to children shall terminate whenever the children shall respectively arrive at the age of eighteen years. The board of police may, in its discretion, order any pensions granted or any part thereof to cease, except members of the police force retired after twenty years' service, as provided in section five of this act, but in all such cases the said board of police shall file with the trustees of the police pension fund a written statement of the causes which determined them in ordering any pension to so cease, and nothing herein or in any other act contained shall render the granting or payment of such pension obligatory on the board of police or upon the trustees of the police pension fund, or chargeable as a matter of right upon said police pension fund, except as provided in section five of this act.

Term of service, how determined.

§ 7. In determining the term of service of any member of the police force under the provisions of this act, continuous service in the late metropolitan police force department, and subsequently in the police department of the city of New York, shall be counted and held to be police service in the police department of the city of New York for all the purposes of this act.

Pensions to police force to be granted on certificate of surgeons of department.

§ 8. No member of the police force shall be awarded, granted, or paid a pension on account of physical or mental disability or disease, unless upon the certificate of the board of surgeons of the department of police, which shall set forth the cause, nature and extent of the disability, disease or injury of each member of the police force who may be placed upon the pension roll, and said certificate shall distinctly state whether or not such disability, disease or injury was incurred or sustained by said member of the police force in the performance of police duty; and such certificate shall in each case be filed with and entered upon the minutes of the board of police.

Repeal.

§ 10. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 11. This act shall take effect immediately.

Sec. 7, amended by chap. 527, L. 1879, *post*, p. 817.

CHAP. 394.

Lakes and rivers navigation companies.

AN ACT to amend chapter six hundred and ninety-one of the laws of eighteen hundred and sixty-five, entitled "An act to amend an act entitled 'An act to amend an act for the incorporation of companies formed to navigate the lakes and rivers,'" passed April fifteenth, eighteen hundred and fifty-four, and to amend an act entitled "An act to amend an act entitled 'An act for the incorporation of companies to navigate the lakes and rivers,'" passed April fifteenth, eighteen hundred and fifty-four, passed April fifteenth, eighteen hundred and sixty-one.

PASSED June 5, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending Laws 1864, ch. 232, § 1 Edm. 821, § 1 Ed. 576.

SECTION 1. The first section of the act entitled "An act for the incorporation of companies formed to navigate the lakes and rivers, passed April fifteenth, eighteen hundred and fifty-four, as amended by chapter six hundred and ninety-one of the laws of eighteen hundred and sixty-five, is hereby further amended so as to read as follows:

Incorporation of company.

§ 1. At any time hereafter, any five or more persons, who may desire to form a company for the purpose of building for their own use, equipping, furnishing, fitting, purchasing, chartering or owning steam, sail or other boats, ships, or vessels, or property to be used in lawful business, commerce, trade or navigation upon the lakes or rivers, and for the carriage, transportation or storing

of lading, freight, mails, property or passengers on such lakes and rivers, may make, sign and acknowledge before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the principal office for the management of the business of the company shall be situated, and a duplicate thereof in the office of the secretary of state, a certificate, in writing, in which shall be stated the corporate name of such company, except that such corporate name shall not be the name of any company which shall have been before formed under this act, and the specific objects for which the company shall be formed, stating particularly the amount of the capital stock of such company, which shall not be more than two million dollars, nor less than three thousand dollars, the term of its existence not to exceed twenty years, the number of shares of which the said stocks shall consist, the number of directors, and their names, who shall manage the affairs of such company for the first year, and the name of the city, or town or county in which the principal office for managing the affairs of such company is to be situated.

What certificate to contain.

See ch. 58, L. 1875, *ante*, p. 55.

CHAP. 396.

AN ACT to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office.

Villages—

PASSED June 6, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No election of trustees of any village incorporated since eighteen hundred and seventy-five under chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act to provide for the incorporation of villages held in the year eighteen hundred and seventy-eight, and before the passage of this act, shall be invalid on account of any failure of any of the electors at such election to designate in their ballots the respective terms of office of the persons voted for for such trustees, or on account of any disregard of such designation by the inspectors of such election in declaring the result thereof, but the persons for whom a majority of votes shall have been cast shall be deemed duly elected trustees of said village, and such trustees shall, on or before the first day of June, eighteen hundred and seventy-eight, meet together with the president of such village, and the said president shall, in their presence, determine by lot who of said trustees shall serve for one year and who of them for two years. The smallest majority of said trustees shall serve for two years and the largest minority for one year. The president shall make and file in the office of the clerk of said village a certificate stating the names of said trustees and the term of office of each as so determined.

Failure to designate term of office, not to invalidate election for trustees

Terms, how designated.

President to file certificate

§ 2. The official acts of the trustees of such village since the annual election in the year eighteen hundred and seventy-five are hereby legalized and confirmed, and shall be deemed of full force and validity.

Official acts legalized.

§ 3. Nothing herein contained shall affect any action or proceeding now pending in any court of this state.

Not to affect pending proceedings.

§ 4. This act shall take effect immediately.

3 Edm. 702, 71d. 685, 687, 705.

CHAP. 401.

Trade-
marks.

AN ACT supplemental to chapter three hundred and six of the laws of eighteen hundred and sixty-two, entitled "An act to prevent and punish fraud in the use of stamps, brands, labels or trade-marks.

PASSED June 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Penalty
for using
false
marks as
to manu-
facture.

SECTION 1. Any person or persons who, with intent to defraud or to enable another to defraud any person, shall manufacture or knowingly sell or cause to be manufactured or sold, any article or articles marked, stamped or branded or encased or inclosed in any box, bottle or wrapper, having thereon any engraving or engravings or printed labels, stamps, imprints, marks or trade-marks, which article or articles are not the manufacture, workmanship or production of the person named, indicated or denoted by such marking, stamping or branding, or by or upon such engraving or engravings, printed labels, stamps, imprints, mark or trade-marks shall, upon conviction thereof, be deemed guilty of a misdemeanor, and for such offense shall forfeit and pay a fine of one hundred dollars, to be recovered with costs in any of the courts of this state having cognizance thereof in an action to be prosecuted by the district attorney in the name of the people, and the one-half of such recovery shall be paid to the informer and the residue shall be applied to the support of the poor in the county where such recovery is had.

Penalty
for using
false
marks as
to charac-
ter or
quality of
goods.

§ 2. Any person or persons who, with intent to defraud or to enable another to defraud any person, shall manufacture or knowingly sell or expose for sale or offer to sell or have in his or her possession, with intent to sell, any article or articles marked, stamped or branded or encased or inclosed in any box, bottle or wrapper, having thereon printed, marked, stamped or engraved any word or words, sign or signs indicating or denoting or purporting to indicate or denote the quality, grade or character of such article or articles which do not truly indicate, denote or represent the quality, grade or character of such article or articles, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and for each such offense shall forfeit and pay a fine of one hundred dollars, to be recovered with costs in any of the courts of this state having cognizance thereof in an action to be prosecuted by the district attorney in the name of the people, and the one-half of such recovery shall be paid to the informer and the residue shall be applied to the support of the poor in the county where such recovery is had.

§ 3. This act shall take effect immediately.

See 2 Edm. 673.

CHAP. 404.

AN ACT to provide for the support, treatment and care of pauper, destitute and delinquent children.

PASSED June 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any justice of the peace, boards of charities, police justice or other magistrate to commit any child under sixteen years of age as vagrant, truant or disorderly, to any jail, county poor-house or alms-house, but such justices of the peace, boards of charities, police justices or other magistrates shall commit such child or children to some reformatory or other institution, as provided for in the case of juvenile delinquents; nor shall it be lawful for any county superintendent or overseer of the poor, board of charity or other officer, to send any child between the ages of two and sixteen years, as a pauper, to any county poor-house or alms-house for support and care, or to retain any child, between the ages of two and sixteen years, in such poor-house or alms-house, but such county superintendents, overseers of the poor, boards of charities or other officers shall provide for such child or children in families, orphan asylums, hospitals or other appropriate institutions, as now provided by law. The boards of supervisors of the several counties and the board of estimate and apportionment of the county of New York are hereby directed to take such action in the matter as may be necessary to carry out the provisions of this act. When any such child is committed to any orphan asylum or reformatory, it shall, if practicable, be committed to an asylum or reformatory that is governed or controlled by persons of the same religious faith as the parents of such child.

§ 2. Upon the complaint in writing of any two members of the state board of charities, or any one member together with the secretary of the state board of charities, that any such child or children are not properly cared for, or are improperly detained in any institution or family, in the care of which said child or children have been placed and are, the county judge of the county in which such institution is situated, or such family resides, or any justice of the supreme court, shall forthwith, by order in writing, transfer or have transferred such child or children to some organized institution in the same or any other county, but subject always to the other provisions of this act.

§ 3. Any violation of this act is hereby declared a misdemeanor, punishable according to the statute for such offense.

§ 4. This act shall take effect immediately.

Section 2 was repealed by ch. 240, Laws 1879. post, p. 787.

Pauper, destitute and delinquent children.

Where children under sixteen to be committed. Amended 1879, ch. 240.

Supervisors to take necessary action.

Religious faith to govern selection of asylum.

Transfer of children for neglect or improper detention.

Penalty.

CHAP. 408.

AN ACT to amend chapter four hundred and seventeen of the laws of eighteen hun* and seventy-seven, entitled "An act to repeal certain acts and parts of acts."

PASSED June 13, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1877,
ch 417.
Repealing
Act,
ante, p.
434.

SECTION 1. Subdivision forty-two of section one of chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts," is hereby amended so as to read as follows:

42. Of the laws of eighteen hundred and sixty-eight.

Chapter five hundred and ninety-six.

All of chapter seven hundred and sixty-five, except sections one, three and four thereof.

§ 2. This act shall take effect immediately.

CHAP. 412.

Town
insurance
com-
panies.

AN ACT to amend chapter seven hundred and thirty-nine of the laws of eighteen hundred and fifty-seven, entitled "An act to authorize the formation of town insurance companies."

PASSED June 12, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1857,
ch. 739.
9 Edm. 638.

SECTION 1. Section six of chapter seven hundred and thirty-nine, of the laws of eighteen hundred and fifty-seven, entitled "An act to authorize the formation of town insurance companies," is hereby amended so as to read as follows, and as so amended is hereby made applicable only to existing insurance companies formed under said act:

Losses,
how ascer-
tained.

§ 6. Every member of such company, holding a policy not expired or vitiated, who may sustain loss thereunder, shall immediately notify the president, or in his absence the secretary thereof, who shall forthwith convene the directors of such company, whose duty it shall be when so convened to appoint a committee of not less than three nor more than five members of such company, to ascertain the amount of such loss, which, if agreed to by the loser and directors, shall be paid to the said loser as in this act provided. But in case of the inability or failure of the said parties to so agree, or in case the said directors for any cause shall dispute the liability of said company, the said loser or claimant, upon ten days' notice thereof to the president of such company, may appeal to the county judge of the county in which the office of said company is located, and said county judge shall appoint three disinterested persons as referees, who shall have full authority to issue subpoenas, administer oaths to witnesses, examine them under oath, and to fully investigate and determine all matters in dispute. Said referees, or any two of them, in case they cannot all agree, shall make their decision in writing to the president of such company, or in his absence the secretary thereof, within sixty days after their appointment, unless upon good cause shown the time has been extended by the county judge making such appointment or his successor in office, which decision shall be final. The said referees shall each be allowed the sum of three dollars per day for every day's service so rendered, and the witnesses the same fees allowed by law to witnesses in the supreme court, which expenses shall be paid by the claimant unless the decision of said referees shall be more favorable to him than the amount which the said directors were willing to allow him, in which case they shall be paid by the company.

§ 2. This act shall not affect any action or proceeding now pending.

§ 3. This act shall take effect immediately.

CONCURRENT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY.

CONCURRENT RESOLUTION

Proposing an amendment to section six, article six of the Constitution.

WHEREAS, At the annual session of the Legislature for the year eighteen hundred and seventy-seven, the following amendment to the Constitution was proposed in the Senate and Assembly, namely:

Resolved (if the Assembly concur), that section six, of article six of the constitution be amended so that it shall read as follows:

§ 6. There shall be the existing Supreme Court with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law, and it shall be composed of the justices now in office, with one additional justice to be elected as hereinafter provided who shall be continued during their respective terms and of their successors. The existing judicial districts of the state are continued until changed pursuant to this section. Five of the justices shall reside in the district in which is the city of New York, and five in the second judicial district, and four in each of the other districts. The Legislature may alter the districts, without increasing the number, once after every enumeration, under this constitution, of the inhabitants of the state. And whereas:

The said proposed amendment was agreed to by a majority of the members elected to each of the two houses of the said Legislature, entered on their journals with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators, and

WHEREAS, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the Constitution; therefore

CONCURRENT RESOLUTIONS.

Resolved (if the Assembly concur), That the two houses comprising the present Legislature, do agree to the said proposed amendment.

STATE OF NEW YORK,
In Senate, January 23, 1873.

The foregoing resolution was duly passed,
a majority of all the Senators elected voting
in favor thereof.

By order.

JOHN W. VROOMAN, *Clerk*.

STATE OF NEW YORK,
In Assembly, February 1, 1873.

The foregoing resolution was duly passed,
a majority of all the members elected to
the Assembly voting in favor thereof.

By order.

EDW'D M. JOHNSON, *Clerk*.

TITLE OF ACTS

PASSED AT THE ONE HUNDRED AND SECOND SESSION,

1879.

(The beginning of the titles of the acts included in this compilation are in this list, printed in heavier type than the private ones.)

- CHAP. 1. An act extending the time for the payment and collection of tax in the town of Saratoga Springs. Passed January 11, 1879; three-fifths being present.
- CHAP. 2. An act to extend the time for the collection of taxes in the town of New Berlin, in the county of Chenango. Passed January 11, 1879; three-fifths being present.
- CHAP. 3. An act authorizing the payment to the widow of John Morrissey of his salary as senator for the session of eighteen hundred and seventy-eight. Passed January 18, 1879.
- CHAP. 4. An act to change the corporate name of the Thousand Island Camp Meeting Association, in the county of Jefferson. Passed January 18, 1879.
- CHAP. 5. An act amending chapter two hundred and twenty-three of the Laws of one thousand eight hundred and seventy-eight, entitled "An act regulating the term of office of supervisors in the counties of Otsego, Steuben and Livingston." Passed January 18, 1879.
- CHAP. 6. An act to amend chapter two hundred and sixty-seven of the Laws of eighteen hundred and sixty-nine, entitled "An act to amend an act, entitled 'An act to amend and consolidate the several acts relating to the city of Rochester, passed April eight, eighteen hundred and sixty-one, in relation to assessments to schools, the powers and duties of the common council and other officers therein, and to require the Rochester Gas Light Company to extend their mains.'" Passed January 21, 1879; three-fifths being present.
- CHAP. 7. An act to extend the time for the collection of taxes in the town of Pittsfield, in the county of Otsego. Passed January 25, 1879; three-fifths being present.
- CHAP. 8. An act to legalize and confirm the official acts of William R. Wadsworth, a justice of the peace, of the town of West Turin, in the county of Lewis. Passed January 25, 1879; three-fifths being present.
- CHAP. 9. An act to amend chapter one hundred and forty of the Laws of eighteen hundred and sixty-four, entitled "An act to amend and consolidate the several acts relating to the Firemen's Benevolent Association of Rochester, and the Fire Department of the city of Rochester." Passed January 25, 1879; three-fifths being present.
- CHAP. 10. An act to provide for the issue to the Manhattan Savings Institution of duplicates of certain certificates of debt and stock of the city of New York and of the county of New York. Passed January 27, 1879; three-fifths being present.
- CHAP. 11. An act to provide for more completely equipping the National Guard of the State of New York. Passed January 28, 1879; three-fifths being present.
- CHAP. 12. An act to authorize the extension of the time for the collection of taxes in the several towns of this State. Passed January 28, 1879; three-fifths being present.

- CHAP. 13.** An act to release the interest of the people of the State of New York in certain real estate of which Roger Waters died seized, to John C. Gage and Sylvanus D. Gage. Passed January 28, 1879.
- CHAP. 14.** An act to provide for the election of a trustee-at-large of the village of Edgewater, to fill the vacancy occasioned by the resignation of William Corry. Passed January 28, 1879; three-fifths being present.
- CHAP. 15.** An act to enable the board of trustees of the village of Edgewater, to issue a warrant for the collection of the taxes of the said village, for the year one thousand eight hundred and seventy-eight, and to provide for the collection of said taxes, for the return of said warrant, and the advertisement and sale of lands for unpaid taxes thereunder. Passed January 28, 1879; three-fifths being present.
- CHAP. 16.** An act to validate the certificate of incorporation of the Rossie Iron Ore Paint Company. Passed January 31, 1879.
- CHAP. 17.** An act to authorize Mary M. J. de Courval, an infant alien, to take and hold certain lands in this State devised to her by her grandfather Richard Ray, and to release the interest of the State therein. Passed February 3, 1879.
- CHAP. 18.** An act to authorize the village school district of the town of Malone, county of Franklin, to borrow money to purchase a site, and build a school-house thereon, and to issue coupon bonds to secure the payment of the same. Passed February 7, 1879; three-fifths being present.
- CHAP. 19.** An act to authorize the city of Utica to borrow money to pay a judgment existing against the same. Passed February 7, 1879; three-fifths being present.
- CHAP. 20.** An act making appropriation to carry out the provisions of chapter one hundred and thirty-four of the Laws of eighteen hundred and seventy-eight, in relation to infectious and contagious diseases of animals. Passed February 13, 1879; three-fifths being present.
- *CHAP. 21.** An act to exempt the counties of Lewis, Madison, excepting the town of Lenox, Wyoming, Queens and Jefferson, except the towns of Le Ray, Watertown and Wilna, and the town of Thurman, county of Warren, from the provisions and operation of chapter one hundred and eighty, of the Laws of eighteen hundred and seventy-five, entitled "An act creating a board of auditors in the several towns of this State, and to prescribe their powers and duties." Passed February 14, 1879; three-fifths being present.
- CHAP. 22.** An act to legalize and confirm the official acts of Noah Tebbetts, of the city of Brooklyn, county of Kings, a notary public. Passed February 14, 1879.
- CHAP. 23.** An act further to amend chapter four hundred and thirty-six of the Laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers." Passed February 14, 1879; three-fifths being present.
- CHAP. 24.** An act to amend section thirteen of article three of title five of part four of the Revised Statutes, entitled "Of offenses against public decency." Passed February 14, 1879; three-fifths being present.
- CHAP. 25.** An act to amend chapter three hundred and sixty-five, of the Laws of eighteen hundred and sixty-five, entitled "An act to incorporate the city of Lockport," and the acts amendatory thereof. Passed February 14, 1879; three-fifths being present.
- CHAP. 26.** An act to amend chapter three hundred and twenty-four of the Laws of one thousand eight hundred and sixty-nine, entitled "An act for the election of a receiver of taxes and assessments for the town of Cortlandt and village of Peekskill," and chapter forty-three of the Laws of one thousand eight hundred and seventy-eight amendatory thereof. Passed February 14, 1879; three-fifths being present.
- CHAP. 27.** An act to authorize a tax of three-tenths of a mill per dollar of valuation to provide for a deficiency in the sinking fund under article seven, section three of the constitution. Passed February 15, 1879; three-fifths being present.
- CHAP. 28.** An act to enlarge the powers of commissioners appointed to ascertain and appraise compensation to be made in proceedings under chapter four hundred and forty-five of the Laws of eighteen hundred and seventy-seven, relative to increasing the supply of water for the use of the city of New York. Passed February 17, 1879; three-fifths being present.

- CHAP. 29.** An act to amend chapter seven hundred and fifty-eight, of the Laws of eighteen hundred and seventy-one, entitled "An act to authorize the city of Troy to take water from the Hudson river and from other sources, and to facilitate the acquisition of lands for the construction of works, reservoirs and laying pipes or other means to conduct said water to said city." Passed February 17, 1879; three-fifths being present.
- CHAP. 30.** An act appropriating money to pay certain awards made by the canal appraisers and the interest thereon, and to pay counsel employed in behalf of State. Passed February 18, 1879; three-fifths being present.
- CHAP. 31.** An act to enable such towns in this State as have altered the manner of working and repairing the highways from the system provided for in article second and article third of chapter sixteen, title one, part one of the Revised Statutes, to the system provided for by chapter three hundred and ninety-five of the Laws of eighteen hundred and seventy-three, to return to the system provided for in said first named act." Passed February 10, 1879; three-fifths being present.
- CHAP. 32.** An act to amend chapter two hundred and thirty-eight of the Laws of eighteen hundred and sixty-two, entitled "An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road to pay the expense of keeping the same in repair. Passed February 20, 1879; three-fifths being present.
- CHAP. 33.** An act to authorize the corporation of the city of New York to sell certain lands to the United States, and ceding jurisdiction thereof. Passed February 20, 1879; by a two-third vote.
- CHAP. 34.** An act to amend chapter two hundred and seventy-seven, of the Laws of eighteen hundred and sixty-eight, entitled an act to amend an act entitled an act to provide for the incorporation of villages, passed December seventh, eighteen hundred and forty-seven, and the several acts amending the same, so far as relates to the villages of Baldwinsvill*, Onondaga county. Passed February 21, 1879; three-fifths being present.
- *CHAP. 35.** An act further to amend chapter four hundred and seventeen, Laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts." Passed February 21, 1879.
- CHAP. 36.** An act for the relief of Leah Funkenstein, widow of Levi Funkenstein, late of the city of Rochester, county of Monroe and State of New York. Passed February 24, 1879.
- CHAP. 37.** An act to authorize the county clerk of Suffolk county to sign the certificates of the record of deeds and mortgages, and other papers recorded in the Suffolk county clerk's office, and otherwise complete said records, where the same were not completed or certified by George C. Campbell, his immediate predecessor in office. Passed February 24, 1879.
- CHAP. 38.** An act to amend chapter two hundred and seventy-nine of the Laws of eighteen hundred and fifty-four, entitled "An act to authorize the Medina and Alabama Plank Road Company to sell a part of their road." Passed February 24, 1879.
- CHAP. 39.** An act to release to Temmey E. Dibbage of Oswego city, New York, the title and interest of the people of the State of New York in the real estate of which her husband, John Dibbage, late of said city, died seized. Passed February 24, 1879.
- CHAP. 40.** An act to repeal chapter three hundred and thirty-two of the Laws of eighteen hundred and seventy-three, entitled "An act to enable the electors of the town of Kingston, in Ulster county, to vote by districts for town officers," passed April twenty-nin,* eighteen hundred and seventy-three. Passed February 25, 1879; three-fifths being present.
- CHAP. 41.** An act in relation to the temporary relief of the poor in the town of Kingston, Ulster county. Passed February 25, 1879; three-fifths being present.
- CHAP. 42.** An act to legalize and confirm the official acts of Edgar G. Ogden, a justice of the peace of the town of Tompkins, in the county of Delaware. Passed February 25, 1879; three fifths being present.
- CHAP. 43.** An act to legalize the acts of James A. Fisher as notary public. Passed February 25, 1879; three fifths being present.
- CHAP. 44.** An act confirming the official acts of George N. Brower as a notary public. Passed February 25, 1879; three-fifths being present.

* See note at end of this list.

- CHAP. 45.** An act to amend chapter one hundred and thirty-five of the Laws of eighteen hundred and forty-two, entitled "An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane." Passed February 25, 1879; three-fifths being present.
- CHAP. 46.** An act to amend an act entitled "An act to revise the charter of the city of Oswego, passed April sixteenth, eighteen hundred and sixty," and the acts amendatory thereof and supplemental thereto. Passed February 26, 1879; three-fifths being present.
- CHAP. 47.** An act authorizing the reduction of pay of certain town officers in the county of Sullivan. Passed February 26, 1879; three-fifths being present.
- CHAP. 48.** An act to exempt the county of Monroe from the provisions and operations of chapter two hundred and fifty-three of the Laws of eighteen hundred and seventy-eight, entitled "An act relating to the term of office of the supervisors of the counties of Albany, Livingston, Rensselaer and Monroe. Passed February 26, 1879.
- CHAP. 49.** An act to relieve the interest of the State in certain lands, of which Fredolin Rusch died seized, to Frederick Schlegel and Jacob Margrander in trust for the benefit of the estate of Louisa Rusch. Passed February 26, 1879.
- CHAP. 50.** An act in relation to unpaid taxes in Long Island City. Passed February 26, 1879; three-fifths being present.
- CHAP. 51.** An act making appropriations for the payment of the principal and interest of the canal debt for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-nine. Passed February 26, 1879; three-fifths being present.
- CHAP. 52.** An act to amend, consolidate and revise the several acts relative to the incorporation of the village of West Troy, namely: chapter two hundred and thirty-three of the Laws of eighteen hundred and thirty-six, chapter two hundred and thirty of the Laws of eighteen hundred and fifty, chapter one hundred and thirty-three of the Laws of eighteen hundred and fifty-eight, chapter fourteen of the Laws of eighteen hundred and sixty-four, and chapter four hundred and five of the Laws of eighteen hundred and sixty-seven. Passed February 26, 1879; three fifths being present.
- CHAP. 53.** An act to revise the charter of the city of Auburn. Passed February 28, 1879; three-fifths being present.
- CHAP. 54.** An act supplementary to and explanatory of chapter fifty-three of the Laws of eighteen hundred and seventy-nine, entitled "An act to revise the charter of the city of Auburn." Passed February 28, 1879; three-fifths being present.
- CHAP. 55.** An act to provide for the election of a police justice in the town of Waterford, county of Saratoga. Passed February 28, 1879; three-fifths being present.
- CHAP. 56.** An act to amend chapter eighty-four of the Laws of eighteen hundred and seventy-three, entitled "An act in relation to the village of Brockport," passed March fourteenth, eighteen hundred and seventy-three. Passed March 1, 1879; three-fifths being present.
- CHAP. 57.** An act to secure the completion of the Seventh Regiment new armory in the city of New York. Passed March 1, 1879; three-fifths being present.
- CHAP. 58.** An act to restore the eastern section of the Cayuga creek road, in the county of Erie, to the jurisdiction, care and superintendence of the commissioners of highways. Passed March 1, 1879; three-fifths being present.
- CHAP. 59.** An act in regard to recognizances in criminal cases. Passed March 1, 1879.
- CHAP. 60.** An act to confirm and legalize the acts of John S. Patterson, as notary public of the county of Kings, since April second, one thousand eight hundred and seventy-eight. Passed March 1, 1879.
- CHAP. 61.** An act to provide for a deficiency of the revenue of the United States Deposit Fund in the appropriation made by chapter twenty-nine of the Laws of eighteen hundred and seventy-eight, for the instruction of common school teachers, and for examinations by the Regents of the University. Passed March 5, 1879; three-fifths being present.

- CHAP. 62.** An act to amend chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads." Passed March 5, 1879; three-fifths being present.
- CHAP. 63.** An act to authorize the common council of the city of Rochester to raise money to provide for deficiencies in the funds for the support of the public schools of the city. Passed March 5, 1879; three-fifths being present.
- CHAP. 64.** An act to amend an act entitled "An act to incorporate the village of Oneonta, Otsego county, New York," passed April twentieth, one thousand eight hundred and seventy, and also to amend chapter one hundred and two of the Laws of one thousand eight hundred and seventy-one, and chapter four hundred and eleven of the Laws of one thousand eight hundred and seventy-three, and chapter one hundred and fifty-six of the Laws of one thousand eight hundred and seventy-five, so far as the same relates to the office of police justice in and for the village of Oneonta, Otsego county, New York. Passed March 5, 1879; three-fifths being present.
- CHAP. 65.** An act making appropriations for the liquidation of the present liabilities of the new capitol commissioners, and for continuing work upon the new capitol through the winter and spring of eighteen hundred and seventy-nine. Passed March 5, 1879; without the approval of the Governor pursuant to provision of section nine of article four of the Constitution.
- CHAP. 66.** An act to amend chapter two hundred and forty-seven, of the Laws of eighteen hundred and seventy-five, entitled "An act in relation to the election of village officers in Geneva, Ontario county." Passed March 6, 1879; three-fifths being present.
- CHAP. 67.** An act to amend an act entitled "An act in relation to the disposition and application of moneys raised and collected in the towns of this State for highway and bridge purposes," passed June first, eighteen hundred and seventy-eight. Passed March 7, 1879; three-fifths being present.
- CHAP. 68.** An act to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office. Passed March 7, 1879.
- CHAP. 69.** An act to amend section seventeen of title four of chapter four hundred and sixty-three of the Laws of eighteen hundred and sixty, entitled "An act to revise the charter of the city of Oswego." Passed March 8, 1879; three-fifths being present.
- CHAP. 70.** An act to enable the President and Fellows of Yale College, in New Haven, a corporation existing under the laws of the State of Connecticut, to hold and convey certain real estate in the State. Passed March 11, 1879.
- CHAP. 71.** An act relating to actions brought by the mayor, aldermen and commonalty of the city of New York, to recover penalties for violations of corporation ordinances and the collection thereof. Passed March 11, 1879.
- CHAP. 72.** An act to secure the better application of funds to relieve the poor in the town of German Flats, in the county of Herkimer. Passed March 11, 1879; three-fifths being present.
- CHAP. 73.** An act to authorize the Geneva, Ithaca and Sayre R. R. Co. to purchase and hold the capital stock of the Cayuga Southern R. R. Co., and to provide for merging and consolidating the Cayuga Southern R. R. Co., into and with the Geneva, Ithaca and Sayre R. R. Co., and for transferring to the latter company all the estate, property, rights, privileges and franchises of the former company. Passed March 11, 1879.
- CHAP. 74.** An act in relation to the temporary relief of the poor in the town of Haverstraw, Rockland county. Passed March 11, 1879; three-fifths being present.
- CHAP. 75.** An act to amend chapter four hundred and seventy-nine of the Laws of eighteen hundred and sixty-seven, entitled "An act to amend the charter of the village of Dunkirk," passed April twentieth, eighteen hundred and sixty-seven. Passed March 11, 1879; three-fifths being present.
- CHAP. 76.** An act to provide for operating the railroad from Lake Champlain to Dannemora prison, and to pay for rolling stock therefor. Passed March 11, 1879; three-fifths being present.
- CHAP. 77.** An act to incorporate "The Henry Keep Home." Passed March 11, 1879.

- CHAP. 78. An act to alter the boundary line between the towns of Kent and Philipstown in the county of Putnam. Passed March 11, 1879.
- CHAP. 79. An act to authorize the town of Oneonta to borrow money to pay a judgment existing against the same. Passed March 11, 1879; three-fifths being present.
- CHAP. 80. An act changing the name of "The Young Men's Christian Union of Buffalo, to the Young Men's Christian Association of Buffalo. Passed March 11, 1879.
- CHAP. 81. An act to amend chapter one hundred and eight of the Laws of eighteen hundred and sixty-six, entitled "An act to further amend the charter of the village of Cooperstown in the county of Otsego." Passed March 11, 1879; three-fifths being present.
- CHAP. 82. An act to repeal chapter seventy-three of the Laws of eighteen hundred and seventy-five, entitled "An act to establish specie payments on all contracts or obligations payable in this State, in dollars, and made after January first, eighteen hundred and seventy-nine." Passed March 11, 1879.
- CHAP. 83. An act to dissolve the corporation known as "The Trustees of the Town of Westchester," to abolish the office of trustees of said town, and to preserve the record of said town. Passed March 11, 1879; three-fifths being present.
- CHAP. 84. An act to authorize the city of Buffalo to issue its bonds for the purpose of raising money with which to redeem outstanding bonds as they fell due. Passed March 11, 1879; three-fifths being present.
- CHAP. 85. An act further to amend chapter three hundred and forty-seven of the Laws of eighteen hundred and sixty-six, entitled "An act to supply the village of Middletown with water for public and private purposes." Passed March 13, 1879; three-fifths being present.
- CHAP. 86. An act to amend chapter one hundred and eighty-one of the Laws of eighteen hundred and seventy-five, entitled "An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof." Passed March 13, 1879; three-fifths being present.
- CHAP. 87. An act to amend section one, chapter three hundred and two, Laws of eighteen hundred and seventy-eight, entitled "An act in relation to the taking of clams, oysters and shell-fish within the waters of this State, and dredging for the same." Passed March 17, 1879.
- CHAP. 88. An act making an appropriation for the construction of an iron swing, draw, or lift bridge at Lawrence street, in the city of Albany. Passed March 17, 1879; three-fifths being present.
- CHAP. 89. An act to amend chapter sixty-four of the Laws of eighteen hundred and seventy-seven, entitled "An act to amend section seven of chapter six hundred and thirty-three of the Laws of eighteen hundred and sixty-six, entitled, 'An act in relation to the benevolent fund of the late volunteer fire department in the city of New York,'" passed April seventeen, eighteen hundred and sixty-six, as amended by chapter nine hundred and sixty-two of the Laws of eighteen hundred and sixty-seven, and as further amended by chapter two hundred and ninety-seven of the Laws of eighteen hundred and seventy. Passed March 17, 1879.
- CHAP. 90. An act to legalize and confirm the official acts of George W. Wiles, a justice of the peace of the town of Hume, in the county of Allegany, New York. Passed March 17, 1879.
- CHAP. 91. An act to define the boundary line between the counties of Oneida and Madison. Passed March 20, 1879.
- CHAP. 92. An act authorizing the adjutant-general to use for the benefit of other military organizations any and all moneys remaining in the hands of any of the county treasurers of the State to the credit of disbanded organizations of the national guard. Passed March 20, 1879; three-fifths being present.
- CHAP. 93. An act accepting sovereignty and jurisdiction over a portion of the State of Vermont, ceded to the State of New York in the year eighteen hundred and seventy-six. Passed March 20, 1879.
- CHAP. 94. An act to release certain lands which have escheated to the State, to Ann Thomas, daughter of Thomas Thomas, late of the town of Freedom, in the county of Cattaraugus. Passed March 20, 1879.

- CHAP. 95.** An act in relation to extending the time for the collection of taxes in Oswego county. Passed March 20, 1879.
- CHAP. 96.** An act to release to Joseph de Jallier the right, title, and interest of the people of the State of New York in and to the real estate of which Emviance du Fort died seized, and to confirm his title to the same. Passed March 20, 1879.
- CHAP. 97.** An act to release the right, title and interest of the people of the State of New York in certain real estate in the city of Brooklyn, to Patrick McGarry and Mary Coggy. Passed March 20, 1879.
- CHAP. 98.** An act to amend chapter two hundred and twenty of the Laws of eighteen hundred and sixty-six, entitled, "An act to amend the charter of the village of Saratoga Springs," and the several acts amendatory thereof. Passed March 20, 1879; three-fifths being present.
- CHAP. 99.** An act to reorganize the fire department and create a board of fire commissioners for the government of the same for the city of Cohoes. Passed March 21, 1879; three-fifths being present.
- CHAP. 100.** An act relating to, and to reduce the expenses of the city government of Long Island City. Passed March 21, 1879; three-fifths being present.
- CHAP. 101.** An act to amend section twenty-eight of article two of title ten of chapter eight of part three of the Revised Statutes, relating to summary proceedings to recover the possession of land. Passed March 22, 1879.
- CHAP. 102.** An act to amend chapter four hundred and eighty-four of the Laws of eighteen hundred and sixty-two, entitled "An act in relation to the courts in the city and county of New York," passed April twenty-fourth, eighteen hundred and sixty-two, as amended by chapter five hundred and sixty-nine of the Laws of eighteen hundred and sixty-four, entitled "An act to amend sections eleven, fourteen and fifteen of chapter four hundred and eighty-four of the Laws of eighteen hundred and sixty-two, and to confer additional powers on the marshals of the city of New York." Passed March, 22, 1879.
- CHAP. 103.** An act for the relief of rural cemetery associations incorporated in the county of Queens. Passed March 22, 1879.
- CHAP. 104.** An act to release all the estate, right, title and interest of the people of the State of New York, of, in, and to certain real estate in the city of New York, of which Margaret F. Butler died seized, unto Florence Butler, her husband. Passed March 22, 1879.
- CHAP. 105.** An act to release the interest of the people of the State of New York in certain real estate in the town of Newtown, in the county of Queens, and State of New York, to David Bland. Passed March 22, 1879.
- CHAP. 106.** An act for the improvement of the Hudson river and to make an appropriation therefor. Passed March 22, 1879; three-fifths being present.
- CHAP. 107.** An act relating to rural cemetery associations. Passed March 22, 1879.
- CHAP. 108.** An act to amend chapter one hundred and thirty-three of the Laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations." Passed March 22, 1879.
- CHAP. 109.** An act to establish the fiscal year of State charitable eleemosynary and reformatory institutions. Passed March 22, 1879.
- CHAP. 110.** An act to authorize the collector of the town of Cherry Valley, in the county of Otsego, to comply with the provisions of chapter twelve of the Laws of eighteen hundred and seventy-nine. Passed March 24, 1879; three-fifths being present.
- CHAP. 111.** An act appointing the time for holding the annual town meetings in the county of Livingston, in and for the year eighteen hundred and seventy-nine, and subsequent thereto. Passed March 26, 1879.
- CHAP. 112.** An act to release the interest and title of the people of the State of New York in and to certain real estate in the city of Brooklyn to William H. Chase. Passed March 26, 1879.
- CHAP. 113.** An act to release to Edward Kennedy and others the right, title and interest of the people of the State of New York to certain real estate in the city of New York. Passed March 27, 1879.

- CHAP. 114.** An act to release to Alice Casey the interest of the people of the State of New York in and to certain real estate in the county of Tompkins. Passed March 27, 1879.
- CHAP. 115.** An act to amend an act, entitled "An act to amend an act, entitled 'An act for the relief of the co-operative Iron Founders' Association of Troy,' passed April twenty-three, eighteen hundred and sixty-seven," passed June sixth, eighteen hundred and seventy-four. Passed March 27, 1879.
- CHAP. 116.** An act to provide for the dissolution of the corporation of the society of members of the New York Stock Exchange for Mutual Relief, in the city, county and State of New York, under chapter three hundred and ninety-five of the Laws of eighteen hundred and seventy-two, and for the distribution of its property and effects among its members. Passed March 27, 1879.
- CHAP. 117.** An act to amend chapter one hundred and twenty-two of the Laws of eighteen hundred and fifty, entitled "An act to amend the act, entitled 'An act to provide for the incorporation of religious societies,' passed April five, eighteen hundred and thirteen, and the several acts amendatory thereof." Passed March 27, 1879.
- CHAP. 118.** An act to authorize the issue of bonds by the Board of Education of the village of Port Byron in the county of Cayuga to pay a bond and mortgage to the State on the school property in said village and to raise money by tax on the Port Byron free school district for the payment of such bonds. Passed March 27, 1879; three-fifths being present.
- CHAP. 119.** An act to amend chapter one hundred and eighty-six of the Laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter seven hundred and forty-two of the Laws of eighteen hundred and seventy-one, entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire-alarm telegraph, the incumbrance of hydrants and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city.'" Passed March 28, 1879; three-fifths being present.
- CHAP. 120.** An act to confirm the title of a certain lot or piece of land, in the city of Rochester, and to release the right, title and interest of the people of the State of New York therein to Mary E. Taylor. Passed March 28, 1879.
- CHAP. 121.** An act to reduce the number of constables and assessors in the town of Newtown, Queens county. Passed March 28, 1879; three-fifths being present.
- CHAP. 122.** An act further to amend chapter two hundred and sixty of the Laws of eighteen hundred and thirty-eight, entitled "An act to authorize the business of banking," and to amend chapter two hundred and seventy-seven of the Laws of eighteen hundred and fifty-nine, entitled "An act to provide for the reduction of the capital stock of banking associations." Passed March 28, 1879.
- CHAP. 123.** An act to extend the time for the collection of taxes in the town of Ticonderoga, in the county of Essex. Passed March 29, 1879.
- CHAP. 124.** An act affecting certain streets within the improvement district in Long Island City. Passed March 29, 1879; three-fifths being present.
- CHAP. 125.** An act to amend chapter four hundred and three of the Laws of eighteen hundred and seventy-four, entitled "An act to confirm and validate the consolidation of the corporations known as the Congregation Birkur Cholein Zedek, into one corporation under the name of 'The Congregation Chaari Zedek of New York,' and incorporate the Chaari Zedek Cemetery Association." Passed March 29, 1879.
- CHAP. 126.** An act to amend chapter fifty-nine of the Laws of eighteen hundred and sixty-eight, entitled "An act to establish the office of receiver of taxes in the town of Greenburgh, in the county of Westchester, State of New York." Passed March 29, 1879; three-fifths being present.
- CHAP. 127.** An act in relation to the redemption of lands in the city of Yonkers, from sales for unpaid taxes and assessments. Passed March 31, 1879; three-fifths being present.
- CHAP. 128.** An act to amend chapter three hundred and forty-two of the Laws of eighteen hundred and sixty-two, entitled "An act to incorporate the Canandaigua Walton Club." Passed March 31, 1879.

- CHAP. 129.** An act to amend chapter two hundred and ninety-one of the Laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages." Passed March 31, 1879; three-fifths being present.
- CHAP. 130.** An act making an appropriation for the care and maintenance of the capitol. Passed April 1, 1879; three-fifths being present.
- CHAP. 131.** An act to amend chapter two hundred and forty-eight of the Laws of eighteen hundred and forty, entitled "An act to amend the charter of the village of Sackett's Harbor." Passed April 2, 1879; three-fifths being present.
- CHAP. 132.** An act to amend chapter ninety-seven of the Laws of eighteen hundred and thirty-seven, entitled "An act to incorporate a fire company in Union village, Washington county." Passed April 2, 1879; three-fifths being present.
- CHAP. 133.** An act to amend chapter one hundred and four of the Laws of eighteen hundred and seventy-seven, entitled "An act to authorize the treasurer of Monroe county to sell property for unpaid taxes." Passed April 2, 1879; three-fifths being present.
- CHAP. 134.** An act to amend chapter five hundred and fifty-five of the Laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction." Passed April 2, 1879; three-fifths being present.
- CHAP. 135.** An act to further amend chapter nineteen of the Laws of eighteen hundred and fifty-eight, entitled "An act to incorporate the Long Island College Hospital of the city of Brooklyn," and the act amendatory thereof, passed April thirtieth, eighteen hundred and sixty-four. Passed April 2, 1879.
- CHAP. 136.** An act to amend chapter three hundred and twenty-nine of the Laws of eighteen hundred and seventy-six, entitled "An act securing the Baptist churches of the State of New York the benefits of incorporation, and repealing chapter six hundred and thirty-three of the Laws of eighteen hundred and seventy-three, entitled 'An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled, An act to provide for the incorporation of religious societies, passed April fifth, eighteen hundred and thirteen.'" Passed April 2, 1879.
- CHAP. 137.** An act to legalize the acts of James J. Kelly as notary public. Passed April 2, 1879.
- CHAP. 138.** An act to legalize and confirm the official acts of Ransom S. Pattison, of the city of Brooklyn, county of Kings, a notary public. Passed April 2, 1879.
- CHAP. 139.** An act to incorporate the Newtown Monument Association. Passed April 2, 1879.
- CHAP. 140.** An act to repeal chapter one hundred and ninety-one of the Laws of eighteen hundred and seventy-eight, entitled "An act to amend subdivision two of section four of title one, chapter thirteen, part one of the Revised Statutes." Passed April 3, 1879.
- CHAP. 141.** An act to amend chapter three hundred and fifty-three of the Laws of eighteen hundred and sixty-two, entitled "An act to incorporate the Ten Broeck Free Academy. Passed April 3, 1879.
- CHAP. 142.** An act to amend chapter one hundred and twenty-five of the Laws of eighteen hundred and forty-two, entitled "An act to condense and amend the several acts relating to the village of Albion," and the several acts amendatory thereof. Passed April 4, 1879; three-fifths being present.
- CHAP. 143.** An act to amend section two, title five, chapter twenty, part one of the Revised Statutes, entitled "Of disorderly persons." Passed April 4, 1879; three-fifths being present.
- CHAP. 144.** An act to extend the time for the Buffalo East Side Railway Company to build and complete its roads. Passed April 4, 1879.
- CHAP. 145.** An act to further amend chapter one hundred and seventy-five of the Laws of eighteen hundred and seventy, entitled "An act regulating the sale of intoxicating liquors." Passed April 4, 1879; three-fifths being present.
- CHAP. 146.** An act to legalize the official acts and proceedings of Zachariah S. Helm, a justice of the peace of the town of Thurston, in the county of Steuben. Passed April 4, 1879.

- CHAP. 147.** An act to legalize and confirm the designation and election as justice of sessions of Steuben county, at the general election held in November of eighteen hundred and seventy-eight of Clark L. Smith, a justice of the peace in said county. Passed April 4, 1879; three-fifths being present.
- CHAP. 148.** An act making appropriations for the support of government. Passed April 5, 1879; by a two-third vote.
- CHAP. 149.** An act to relieve and convey to Wilhelmine Thile the interest of the people of the State of New York, in certain real estate in the city of Brooklyn. Passed April 8, 1879.
- CHAP. 150.** An act to authorize and empower the society known as "The Asylum for Aged and Infirm Hebrews," to pay over, transfer and deliver all its funds to the corporation known as the "Home for the Aged and Infirm Hebrews" of which Isaac Rosenwald is president. Passed April 8, 1879.
- CHAP. 151.** An act to amend chapter eight hundred and fifty-nine of the Laws of eighteen hundred and seventy-one, entitled "An act to provide for the election of certain judicial and other officers, and to fix their terms of office." Passed April 8, 1879; three-fifths being present.
- CHAP. 152.** An act to authorize the permanent appropriation of land for the repair of the banks, prisms and other structures of the canals. Passed April 8, 1879; three-fifths being present.
- CHAP. 153.** An act to amend chapter four hundred and sixty-five of the Laws of eighteen hundred and seventy-five, as amended by chapter three hundred and fifty-nine of the Laws of eighteen hundred and seventy-six, entitled "An act to require the payment of certain premiums to the fire department of cities and incorporated villages by fire insurance companies, not organized under the laws of the State of New York, but doing business therein," passed May twenty-eight, eighteen hundred and seventy-five. Passed April 8, 1879.
- CHAP. 154.** An act to release the interest of the people of the State of New York, in the lands of Esther Freund to the said Esther Freund. Passed April 8, 1879.
- CHAP. 155.** An act to release to Elizabeth D. Spicer all the personal property of which Ann S. Cogburn, lately her sister, died seized and possessed. Passed April 8, 1879.
- CHAP. 156.** An act to authorize the consolidation of the Jamaica, Woodhaven and Brooklyn R. R. Co., with the Jamaica and Brooklyn Plank Road Company. Passed April 8, 1879.
- CHAP. 157.** An act supplementary to and explanatory of chapter fifty-three of the Laws of eighteen hundred and seventy-nine, entitled "An act to revise the charter of the city of Auburn." Passed April 10, 1879; three-fifths being present.
- CHAP. 158.** An act in relation to the payment of certain taxes in the county of Monroe. Passed April 10, 1879; three-fifths being present.
- CHAP. 159.** An act further to amend chapter four hundred and thirty-six of the Laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers." Passed April 10, 1879; three-fifths being present.
- CHAP. 160.** An act to amend chapter one hundred and forty of the Laws of eighteen hundred and seventy-seven, entitled "An act to amend an act for the incorporation of the Horseheads Fire Department." Passed April 10, 1879; three-fifths being present.
- CHAP. 161.** An act to amend chapter four hundred and sixty-three of the Laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies." Passed April 15, 1879.
- CHAP. 162.** An act to legalize the official acts of John C. Brown, a justice of the peace of Davenport, in the county of Delaware. Passed April 16, 1879; three-fifths being present.
- CHAP. 163.** An act to amend the Code of Civil Procedure. Passed April 16, 1879.
- CHAP. 164.** An act to amend article three, title one of chapter eight, part two of the Revised Statutes, entitled "Of divorces dissolving the marriage contract." Passed April 16, 1879.

- CHAP. 165.** An act to amend chapter one hundred and eighty-six of the Laws of eighteen hundred and seventy-eight, entitled "An act in relation to the city court of Yonkers." Passed April 16, 1879; three-fifths being present.
- CHAP. 166.** An act to provide for the settlement of the boundary lines between the State of New York and the State of Connecticut. Passed April 16, 1879.
- CHAP. 167.** An act for the safety and protection of oarsmen rowing on the Hudson river opposite the city of New York in regattas given under the auspices of the Metropolitan Association of Amateur Oarsmen. Passed April 16, 1879; three-fifths being present.
- CHAP. 168.** An act to prohibit the charging or receiving of illegal wharfage in the cities of New York, Brooklyn and Long Island City. Passed April 16, 1879.
- CHAP. 169.** An act to authorize and direct the county clerk of Oswego county to sign the certificates of certain records, now recorded and filed in Oswego county clerk's office. Passed April 16, 1879; three-fifths being present.
- CHAP. 170.** An act to legalize and confirm the acts of James Hickok, a coroner in and for the county of Cayuga. Passed April 16, 1879.
- CHAP. 171.** An act to provide for discharging chattel mortgages. Passed April 16, 1879.
- CHAP. 172.** An act to legalize and confirm the official acts of William Brouwer, a notary public of the town of Flushing, county of Queens. Passed April 16, 1879.
- CHAP. 173.** An act to repeal section forty-four of chapter one hundred and seventy of the Laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Montezuma. Passed April 16, 1879; three-fifths being present.
- CHAP. 174.** An act to authorize the board of supervisors of the county of Wayne to determine the Clyde and Rose Plank Road Company to abandon its plankroad in that county, and to provide for the abandonment thereof. Passed April 16, 1879; three-fifths being present.
- CHAP. 175.** An act to legalize the official acts and proceedings of Aldice W. Brower, a justice of the peace of the town of Sodus, in the county of Wayne. Passed April 16, 1879.
- CHAP. 176.** An act to amend chapter eighty-two of the Laws of eighteen hundred and fifty-two, entitled "An act in relation to writs of error in behalf of the people in criminal cases." Passed April 16, 1879.
- CHAP. 177.** An act to confer powers upon the common council of the city of New York to complete the restoration of Tompkins square as a public park. Passed April 16, 1879; three-fifths being present.
- CHAP. 178.** An act in relation to assessment and other bonds of the city of New York. Passed April 16, 1879.
- *CHAP. 179.** An act to amend section first of chapter ninety-nine of the Laws of eighteen hundred and seventy-seven, entitled "An act to exempt the counties of Suffolk (except the town of Islip), Onondaga, Saratoga (except the town of Saratoga Springs), Ontario, Yates, Rensselaer, Genesee, Schenectady, Monroe, Livingston, Otsego, Schoharie, Niagara and Orleans from the provisions and operation of chapter one hundred and eighty of the Laws of eighteen hundred and seventy-five, entitled 'An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties,' " passed April sixth, eighteen hundred and seventy-seven. Passed April 16, 1879; three-fifths being present.
- CHAP. 180.** An act to amend an act, entitled "An act to appoint trustees of the Jones' fund for the support of the poor of the towns of Oyster Bay and North Hempstead, in the county of Queens." Passed April 16, 1879.
- CHAP. 181.** An act to amend chapter three hundred and ninety-two of the Laws of eighteen hundred and seventy-six, entitled "An act to amend the charter of the village of Springville in the county of Erie." Passed April 16, 1879; three-fifths being present.
- CHAP. 182.** An act to repeal chapter two hundred and thirty-five of the Laws of eighteen hundred and seventy-eight, entitled "An act in relation to the county treasurer of Wayne county. Passed April 16, 1879; three-fifths being present.

- CHAP. 183. An act to amend chapter three hundred and seventy of the Laws of eighteen hundred and seventy-five, entitled "An act to amend and consolidate the several acts relating to the city of Elmira." Passed April 16, 1879; three-fifths being present.
- CHAP. 184. An act to amend chapter three hundred and seventy-two of the Laws of eighteen hundred and seventy-two, entitled "An act to amend the charter of the Orphan Asylum Society of the city of New York." Passed April 16, 1879.
- CHAP. 185. An act to authorize the board of trustees of the village of Van Etenville, to purchase the Mount Hope Cemetery for the use of said village, and to borrow money for that purpose, or to levy the same by a tax on the taxable property of said village. Passed April 16, 1879; three-fifths being present.
- CHAP. 186. An act relating to ambulances. Passed April 16, 1879.
- CHAP. 187. An act to legalize and confirm the acts of the electors of the town of Madrid, St. Lawrence county, in voting to raise money to protect the village of Madrid against conflagrations. Passed April 17, 1879; three-fifths being present.
- CHAP. 188. An act to legalize and confirm the action of the electors of the town of Oswegatchie, in the county of St. Lawrence. Passed April 17, 1879; three-fifths being present.
- CHAP. 189. An act to incorporate the Grand Lodge of the Empire Order of Mutual aid of the State of New York. Passed April 17, 1879.
- CHAP. 190. An act to amend chapter one hundred and forty-three of the Laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and the various acts amendatory thereof, or relating to the city of Rochester. Passed April 17, 1879; three-fifths being present.
- CHAP. 191. An act to empower the board of supervisors of Suffolk county to appoint three commissioners to locate an inlet from the Atlantic ocean to the Great South bay in the town of Brookhaven, in said county. Passed April 17, 1879.
- CHAP. 192. An act to amend chapter two hundred and fifty-eight of the Laws of eighteen hundred and sixty-four, entitled "An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan." Passed April 17, 1879; three-fifths being present.
- CHAP. 193. An act legalizing and confirming the acts and proceedings of William H. Phillips, a justice of the peace of the city of Utica, and the oath of office taken before the clerk of said city, and filed in his office. Passed April 17, 1879.
- CHAP. 194. An act to revise and amend chapter one hundred and forty-four of the Laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts relating to the village of Palmyra." Passed April 18, 1879; three-fifths being present.
- CHAP. 195. An act to amend an act entitled "An act to make the office of supervisor in the county of Erie a salaried office, and to provide for the appointment and compensation of other officers of said board," passed May thirteenth, eighteen hundred and seventy-six. Passed April 18, 1879; three-fifths being present.
- CHAP. 196. An act to authorize the board of audit to hear and audit the claim of Terence O'Neill Donnelly. Passed April 18, 1879; three-fifths being present.
- CHAP. 197. An act in relation to the duties of superintendent of the poor of the county of Schenectady; abolishing the office of keeper of the poor-house, as to making appropriations for the support of the poor by the board of supervisors. Passed April 19, 1879; three-fifths being present.
- CHAP. 198. An act to amend chapter two hundred and ninety-four of the Laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the fire department of the city of Binghamton." Passed April 19, 1879; three-fifths being present.
- CHAP. 199. An act making appropriations for the support of the State Soldiers and Sailors' Home at Bath, for the construction and furnishing of buildings therefor, and for other purposes connected therewith. Passed April 19, 1879; by a two-third vote.
- CHAP. 200. An act to amend chapter sixty-five of the Laws of eighteen hundred and seventy-eight relating to the collection of taxes in the counties of Livingston, Montgomery, Oswego, Ulster and Ontario. Passed April 19, 1879; three-fifths being present.

CHAP. 201. An act authorizing justices of the peace to execute and file official bonds. Passed April 19, 1879.

CHAP. 202. An act to amend chapter forty-six of the Laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March thirty-one, eighteen hundred and sixty-six." Passed April 19, 1879; three-fifths being present.

CHAP. 203. An act to authorize historical societies in this State to hold real estate for preservation and monumental purposes, and to receive historical articles in trust. Passed April 19, 1879; by a two-third vote.

CHAP. 204. An act to prevent ice gorges in the river St. Lawrence. Passed April 19, 1879; three-fifths being present.

CHAP. 205. An act in relation to arrears of taxes in the city of New York, and to provide for the re-issuing of revenue bonds in anticipation of such taxes. Passed April 19, 1879; three-fifths being present.

CHAP. 206. An act to authorize the commanding officer of the United States military post at West Point, New York, to acquire the title to lands or ground, pond, rights of way, and easements, for the purpose of furnishing, increasing and improving the water supply of said military post, in accordance with the act of congress, approved January twentieth, eighteen hundred and seventy-nine. Passed April 21, 1879; by a two-third vote.

CHAP. 207. An act in relation to sewers and drainage in the city of Brooklyn. Passed April 23, 1879; three-fifths being present.

CHAP. 208. An act to organize the senate districts and for the apportionment of the members of assembly of this State. Passed April 23, 1879; without the approval of the Governor, pursuant to provision of section nine of article four of the Constitution.

CHAP. 209. An act confirming the official acts of George V. Brower as a notary public. Passed April 25, 1879.

CHAP. 210. An act to amend section five of chapter four hundred and forty-eight of the Laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice, and civil proceedings." Passed April 25, 1879; three-fifths being present.

CHAP. 211. An act to amend chapter two hundred and nineteen of the Laws of eighteen hundred and seventy-eight, entitled "An act in relation to evidence in civil and criminal cases." Passed April 25, 1879.

CHAP. 212. An act to provide for the distribution of the acts passed by the legislature to town clerks' offices. Passed April 25, 1879; three-fifths being present.

CHAP. 213. An act to amend chapter six hundred and five of the Laws of eighteen hundred and seventy-five, entitled "An act in relation to the county treasurers of the counties of Monroe and Seneca." Passed April 25, 1879; three-fifths being present.

CHAP. 214. An act relating to plankroad and turnpike companies. Passed April 25, 1879.

CHAP. 215. An act to authorize the city of Utica to issue its corporate bonds to renew those maturing May first, eighteen hundred and seventy-nine. Passed April 26, 1879.

CHAP. 216. An act to authorize the tax payers of the village of Batavia to investigate, ascertain and assume the payment of certain debts and expenses incurred by the trustees of said village during the year following the charter election in March, eighteen hundred and seventy-eight. Passed April 26, 1879.

CHAP. 217. An act in relation to oil wells. Passed April 26, 1879; three-fifths being present.

CHAP. 218. An act to amend chapter five hundred and fifty-four of the Laws of eighteen hundred and seventy-one, entitled "An act to amend an act incorporating the village of Sing Sing in the county of Westchester," passed April ninth, eighteen hundred and fifty-three, and the acts supplementary thereto and amendatory thereof, passed April eighteenth, eighteen hundred and fifty-nine; and also the act supplementary thereto and amendatory thereof, passed March third, eighteen hundred and sixty-six, and also the act supplementary thereto and amendatory thereof, passed April sixteenth, eighteen hundred and sixty-nine, passed April nineteenth, eighteen hundred and seventy-one. Passed April 26, 1879.

- CHAP. 219. An act to authorize the common council of the city of Lockport to purchase certain real estate for said city, to be used for building thereon a hose tower and for other municipal uses, and to raise by general tax the sum of two thousand dollars for said purpose. Passed April 26, 1879.
- CHAP. 220. An act to amend chapter four hundred and forty-two of the Laws of eighteen hundred and sixty-four, entitled "An act to incorporate the fire department of the village of Adams." Passed April 26, 1879.
- CHAP. 221. An act authorizing any register of deeds for Westchester county to perfect the records in his office. Passed April 26, 1879; three-fifths being present.
- CHAP. 222. An act to consolidate the several school districts in the town of Grand Island, Erie county, and to provide for the election of a board of education thereat. Passed April 26, 1879.
- CHAP. 223. An act to extend the time for the collection of taxes in the county of Richmond. Passed April 26, 1879.
- CHAP. 224. An act to extend the time for the collection of taxes in the town of Cortlandt, in the county of Westchester. Passed April 26, 1879; three-fifths being present.
- CHAP. 225. An act to repeal chapter one hundred and sixteen of the Laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter three hundred and seventy of the Laws of eighteen hundred and seventy-three, entitled 'an act to revise and amend an act, entitled 'an act to incorporate the village of Port Jervis,' passed March thirtieth, eighteen hundred and sixty-six, and acts relating thereto," Passed April 26, 1879; three-fifths being present.
- CHAP. 226. An act to extend the time for the collection of taxes in the town of Johnstown, in the county of Fulton. Passed April 26, 1879; three-fifths being present.
- CHAP. 227. An act for the protection of life and limb. Passed April 26, 1879; three-fifths being present.
- CHAP. 228. An act to amend chapter one hundred and eighty-one of the Laws of eighteen hundred and seventy-five, entitled "An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof. Passed April 26, 1879; three-fifths being present.
- CHAP. 229. An act in reference to the collection of taxes in the counties of Chautauque and Cattaraugus. Passed April 26, 1879.
- CHAP. 230. An act to further amend chapter one hundred and ninety-six of the Laws of eighteen hundred and seventy-six, entitled "An act to establish a local court of civil jurisdiction in the city of Rochester, to be called the Municipal Court of the city of Rochester, and to amend the charter of said city as amended by chapter one hundred and ninety-two of the Laws of eighteen hundred and seventy-seven." Passed April 28, 1879; three-fifths being present.
- CHAP. 231. An act conferring additional powers and duties upon the board of education of school district number one, in the village of Little Falls, Herkimer county. Passed April 28, 1879.
- CHAP. 232. An act to ratify and confirm the proceedings to incorporate the Filmore Loan and Accumulation Fund Association, in the city of Buffalo, and county of Erie, in the State of New York. Passed April 28, 1879.
- CHAP. 233. An act to further amend subdivision six, of section one hundred and forty, and section one hundred and forty-two, of chapter one hundred and forty-three of the Laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester." Passed April 28, 1879; three-fifths being present.
- CHAP. 234. An act to abolish the office of railroad commissioners of the town of Northampton, in the county of Fulton, and also in the several towns in the county of Delaware, and to authorize the supervisors of said towns to discharge the duties now pertaining to said office. Passed April 28, 1879; three-fifths being present.
- CHAP. 235. An act to amend an act entitled "An act to revise the charter of the city of Oswego," passed April sixteenth, eighteen hundred and sixty, and the acts amendatory thereof, and supplementary thereto. Passed April 29, 1879.
- CHAP. 236. An act to extend the time for the collection of taxes in the town of Westchester in the county of Westchester. Passed April 30, 1879.

- CHAP. 237.** An act to legalize the official acts of J. C. Smith, a justice of the peace of the town of Richmondville, in the county of Schoharie, and a justice of sessions of said county. Passed April 30, 1879.
- CHAP. 238.** An act to amend chapter three hundred and thirty-four of the Laws of eighteen hundred and sixty-nine, entitled "An act to consolidate and amend the several acts relating to the village of Jamestown, and to enlarge the powers of the corporation. Passed April 30, 1879.
- CHAP. 239.** An act to amend chapter two hundred and twenty of the Laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of Saratoga Springs," passed March twenty-sixth, eighteen hundred and sixty-six, and the several acts amendatory thereof. Passed April 30, 1879.
- CHAP. 240.** An act to amend chapter four hundred and four of the Laws of eighteen hundred and seventy-eight, entitled "An act to provide for the support, treatment and care of pauper, destitute and delinquent children." Passed April 30, 1879; three-fifths being present.
- CHAP. 241.** An act to amend title eleven of chapter two hundred and ninety-one of the Laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the city of Binghamton." Passed April 30, 1879.
- CHAP. 242.** An act to set aside the union free school district in the town of Tyrone, in the county of Schuylcr, and the town of Wayne, in the county of Steuben. Passed April 30, 1879.
- CHAP. 243.** An act authorizing the formation of a body corporate, to be known as the Firemen's Benevolent Association of the village of Little Falls. Passed April 30, 1879.
- CHAP. 244.** An act to amend the charter of the Society of the New York Hospital. Passed May 3, 1879; three-fifths being present.
- CHAP. 245.** An act to incorporate the executive council of the Alpha Delta Phi Fraternity, and to provide for the organization of subordinate chapters. Passed May 5, 1879.
- CHAP. 246.** An act to amend chapter one hundred and thirteen of the Laws of eighteen hundred and seventy-eight, entitled "An act authorizing and empowering the common council of the city of Rochester to construct lift, hoist, or swing bridges over the Erie canal, at Brown street and at Smith street, in the city of Rochester. Passed May 5, 1879; three-fifths being present.
- CHAP. 247.** An act to regulate deposits of stocks in the bank department by banks, banking associations and individual bankers. Passed May 5, 1879.
- CHAP. 248.** An act for the relief of policy-holders in life insurance companies. Passed May 5, 1879.
- CHAP. 249.** An act in relation to the acknowledgment by married women of deeds and other written instruments. Passed May 5, 1879.
- CHAP. 250.** An act to amend chapter three hundred and ninety-seven of the Laws of eighteen hundred and seventy-three, entitled "An act for the incorporation of Fire, Hose and Hook and Ladder Companies." Passed May 5, 1879; three-fifths being present.
- CHAP. 251.** An act to authorize the formation of corporations in the county of Suffolk for the purpose of promoting the planting, cultivation, taking up and protection of oysters in said county. Passed May 5, 1879.
- CHAP. 252.** An act to amend chapter three hundred and nineteen of the Laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies." Passed May 5, 1879.
- CHAP. 253.** An act to amend chapter one hundred and twenty-one of the Laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter one hundred and thirty-five, of the Laws of eighteen hundred and seventy-six, entitled 'An act to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled 'An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads, passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporate existence;'" also to amend chapter one hundred and thirty-five, Laws of eighteen hundred and seventy-six. Passed May 5, 1879; three-fifths being present.

- CHAP. 254.** An act to amend chapter eighty-seven of the Laws of eighteen hundred and seventy-five, entitled "An act providing for the appointment of additional notaries public." Passed May 5, 1879.
- CHAP. 255.** An act to amend chapter four hundred and nine of the Laws of eighteen hundred and seventy-seven, entitled "An act to authorize the trustees of the corporation of the village of Portageville, county of Wyoming, to cause an assessment to be made of the taxable property of said corporation, and to be levied and collected a tax sufficient to pay the indebtedness of said corporation." Passed May 5, 1879; three-fifths being present.
- CHAP. 256.** An act relative to the compensation of the assessors of the town of Watervliet. Passed May 5, 1879; three-fifths being present.
- *CHAP. 257.** An act further to amend chapter four hundred and seventeen of the Laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts." Passed May 6, 1879.
- CHAP. 258.** An act to amend section ten of chapter one hundred and fifty-two of the Laws of eighteen hundred and forty-four, entitled "An act for the construction of a penitentiary, and in relation to the relief of the poor in the county of Albany. Passed May 8, 1879; three-fifths being present.
- CHAP. 259.** An act to amend chapter twenty-two of the Laws of eighteen hundred and fifty-eight, entitled "An act to enable the electors of the town of Watervliet to vote by districts for the election of town officers." Passed May 8, 1879; three-fifths being present.
- CHAP. 260.** An act to amend chapter four hundred and ninety-six of the Laws of eighteen hundred and seventy, entitled "An act to organize and establish a police for the village of West Troy." Passed May 8, 1879; three-fifths being present.
- CHAP. 261.** An act to inquire into the equity and legality of certain assessments in the city of New York. Passed May 8, 1879; three-fifths being present.
- CHAP. 262.** An act to confirm the official acts of the Masonic Board of Trustees located in the city of Elmira. Passed May 8, 1879.
- CHAP. 263.** An act to amend chapter two hundred and fifty-seven of the Laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the village of Saratoga Springs, so as to provide for the appointment of a superintendent of public works of the village of Saratoga Springs, and abolish the office of superintendent of the village, and of water-works of said village." Passed May 8, 1879; three-fifths being present.
- CHAP. 264.** An act to amend chapter four hundred and sixty-seven of the Laws of eighteen hundred and sixty-five, entitled "An act to amend an act entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May second, eighteen hundred and sixty-four." Passed May 8, 1879; three-fifths being present.
- CHAP. 265.** An act to authorize the town of Pelham, in the county of Westchester, to sell the docks belonging to said town and the lands on which they are situated, and to dispose of the proceeds of the sale thereof. Passed May 8, 1879; three-fifths being present.
- CHAP. 266.** An act to incorporate the Cohoes and Lansingburgh Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river from the foot of Lansing street, in the village of Lansingburgh, to some point on Van Schaick's Island, in the city of Cohoes. Passed May 8, 1879; three-fifths being present.
- CHAP. 267.** An act to amend section three of chapter one hundred and ninety-seven of the Laws of eighteen hundred and forty-seven, entitled "An act authorizing the erection of town houses." Passed May 8, 1879; three-fifths being present.
- CHAP. 268.** An act relating to the office of commissioner of jurors of the county of New York. Passed May 8, 1879; three-fifths being present.
- CHAP. 269.** An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, eighteen hundred and seventy-nine, and to provide for a contingent deficiency in the revenues for the calendar year, eighteen hundred and seventy-nine, and making further appropriations out of any unexpended moneys in the treasury to the credit of the fund for extraordinary repairs. Passed May 9, 1879; three-fifths being present.

- CHAP. 270.** An act to authorize the common council of the city of Lockport to raise by tax the sum of five hundred dollars to be expended in purchasing a hose carriage for use by the fire department in said city. Passed May 9, 1879; three-fifths being present.
- CHAP. 271.** An act to amend chapter four hundred and forty-three of the Laws of eighteen hundred and sixty-seven, entitled "An act to authorize the supervisors of Monroe county to raise money to pay for the site of the State armory in the city of Rochester, and to pay for the use of the rooms therein." Passed May 9, 1879; three-fifths being present.
- *CHAP. 272.** An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations. Passed May 13, 1879; by a two-third vote.
- CHAP. 273.** An act to confirm certain sales of lands for non-payment of taxes in the village of West Mount Vernon, in the county of Westchester. Passed May 13, 1879; three-fifths being present.
- CHAP. 274.** An act to legalize the acts of Henry Bailey, a commissioner for loaning certain moneys belonging to the United States, of Jefferson county, and to authorize the present commissioners to assign a certain mortgage taken by him as such commissioner. Passed May 13, 1879.
- CHAP. 275.** An act to authorize boards of supervisors to appoint a commissioner or commissioners to receive and expend any moneys heretofore set apart or appropriated by any act or acts of the legislature of this State for highway or bridge purposes, and not yet expended, and to legalize any such appointments heretofore made. Passed May 13, 1879; three-fifths being present.
- CHAP. 276.** An act to amend chapter two hundred and thirty-six of the Laws of eighteen hundred and fifty-five, entitled "An act in relation to the glebe lands in the village of Newburgh, Orange county." Passed May 13, 1879; three-fifths being present.
- CHAP. 277.** An act to amend chapter fifty-one of the Laws of eighteen hundred and fifty-nine, entitled "An act to consolidate and amend the several acts relating to the village of Sherburne, and to enlarge the powers of the corporation of said village." Passed May 13, 1879; three-fifths being present.
- CHAP. 278.** An act to amend chapter four hundred and six of the Laws of eighteen hundred and sixty-four, entitled "An act to incorporate the village of Cortland, in the town of Cortlandville, county of Cortland, and to repeal its present charter." Passed May 13, 1879; three-fifths being present.
- CHAP. 279.** An act to authorize the "Niagara Falls International Bridge Company" to borrow money, and to issue its bonds for the payment thereof. Passed May 13, 1879.
- CHAP. 280.** An act to abolish the New York State Inebriate Asylum and to establish the Binghamton Asylum for the Chronic Insane, and to provide for the management thereof. Passed May 13, 1879; three-fifths being present.
- CHAP. 281.** An act for the relief of the village of Hornellsville, in the county of Steuben. Passed May 15, 1879; three-fifths being present.
- CHAP. 282.** An act to repeal chapter forty-three of the Laws of eighteen hundred and seventy-one, entitled "An act to exempt the county of Westchester from the provisions of chapter eight hundred and eighty-eight of the Laws of eighteen hundred and sixty-nine, entitled 'An act to amend title sixteen, chapter eight, part three of the Revised Statutes, relative to proceedings for the drainage of swamps, marshes and other low or wet lands and for draining farm lands,' passed May twelfth, eighteen hundred and sixty-nine." Passed May 15, 1879; three-fifths being present.
- CHAP. 283.** An act authorizing the grant of certain lands in the town of Flatlands to Henry L. Schmeelk. Passed May 15, 1879; three-fifths being present.
- CHAP. 284.** An act to amend chapter one hundred and seventy-three of the Laws of eighteen hundred and seventy-seven, entitled "An act in relation to the imprisonment of convicts in the New York State Reformatory at Elmira, and the government and release of such convicts by the managers." Passed May 15, 1879; three-fifths being present.
- CHAP. 285.** An act to establish the compensation of the county judge and surrogate of Lewis county. Passed May 15, 1879; three-fifths being present.

- CHAP. 286.** An act to provide for the payment of the salaries of certain employees of the commissioners of charities of the county of Kings. Passed May 15, 1879; three-fifths being present.
- CHAP. 287.** An act to provide for the formation of county and town co-operative insurance companies. Passed May 15, 1879; three-fifths being present.
- CHAP. 288.** An act for the relief of Robert Renton. Passed May 15, 1879.
- CHAP. 289.** An act in relation to the annual reports of colleges and academies to the regents of the university. Passed May 15, 1879.
- CHAP. 290.** An act to amend chapter one hundred and forty-nine of the Laws of eighteen hundred and seventy-four, entitled "An act to amend an act, passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the Laws of eighteen hundred and seventy-one, entitled An act to amend an act, passed February seventeenth, eighteen hundred and forty-eight, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" passed April twentieth, eighteen hundred and seventy-one. Passed May 15, 1879.
- CHAP. 291.** An act to amend section one of chapter three hundred and twenty-six of the Laws of eighteen hundred and seventy-four, entitled "An act to provide for improvements in and adjoining the first ward of Long Island City." Passed May 15, 1879; three-fifths being present.
- CHAP. 292.** An act to empower the board of directors of the Western New York Agricultural Society to mortgage the real estate of the society. Passed May 15, 1879.
- CHAP. 293.** An act to amend sections five and six of chapter five hundred and sixty of the laws of eighteen hundred and fifty,*entitled "An act to authorize the formation of railroad corporations and to regulate the same as amended by chapter one hundred and three of the Laws of eighteen hundred and seventy-seven." Passed May 15, 1879.
- CHAP. 294.** An act to release the interest of the people of the State of New York in and to certain real estate in the city of Brooklyn, county of Kings, in the State of New York, of which Enrique L. Becerra died seized, to Anna Byrne. Passed May 15, 1879; by a two-third vote.
- CHAP. 295.** An act to amend chapter seven hundred and seven of the Laws of eighteen hundred and sixty-seven, entitled "An act to amend the charter of 'The President, Directors and Company of the Susquehanna Turnpike Road,' and to regulate the tolls thereon." Passed May 15, 1879; three-fifths being present.
- CHAP. 296.** An act to enable James Fyfe Jamieson to take, hold and dispose of certain real estate in the city of New York. Passed May 15, 1879; by a two-third vote.
- CHAP. 297.** An act in relation to the board of managers of the Washington County Agricultural Society, and the Warren County Agricultural Society. Passed May 15, 1879.
- CHAP. 298.** An act to amend chapter one hundred and eleven of the Laws of eighteen hundred and fifty-one, entitled "An act to amend the several acts incorporating the village of Owego, in the county of Tioga." Passed May 15, 1879; three-fifths being present.
- CHAP. 299.** An act to legalize the acts of Theodore D. D. Barber as notary public. Passed May 17, 1879.
- CHAP. 300.** An act for the relief of John McCann. Passed May 17, 1879; three-fifths being present.
- CHAP. 301.** An act to legalize and confirm the official acts of J. Spencer Ford, a justice of the peace of the town of Monroe, in the county of Orange. Passed May 17, 1879.
- CHAP. 302.** An act to amend the grade map of Long Island City. Passed May 17, 1879; three-fifths being present.
- CHAP. 303.** An act authorizing the managers of St. John's Riverside Hospital, Yonkers, New York, to create an endowment fund. Passed May 17, 1879.
- CHAP. 304.** An act to authorize school district number twelve of the town of Broadalbin to elect a committee to take charge of moneys bequeathed to the district. Passed May 17, 1879; three-fifths being present.

- CHAP. 805.** An act to amend chapter two hundred and seventy-six of the Laws of one thousand eight hundred and forty-six, entitled "An act extending the powers of a justice of the peace as to issuing executions after the term of his office has expired." Passed May 17, 1879; three-fifths being present.
- CHAP. 806.** An act in relation to infectious and contagious diseases of animals. Passed May 17, 1879; by a two-third vote.
- CHAP. 807.** An act to provide for the summary investigation of unlawful or corrupt expenditures by officers of towns or incorporated villages and for restraining the same. Passed May 17, 1879; three-fifths being present.
- CHAP. 808.** An act further to amend chapter seventeen of the Laws of eighteen hundred and sixty-nine, "An act to provide for the election of police commissioners in the city of Syracuse and to establish a police force therein. Passed May 17, 1879; three-fifths being present.
- CHAP. 809.** An act relative to the propagation of trout in the streams of the various counties of this State. Passed May 17, 1879.
- CHAP. 810.** An act to prevent the sale of lands used for cemetery purposes. Passed May 17, 1879.
- CHAP. 811.** An act to amend chapter two hundred and eighty-five of the Laws of eighteen hundred and seventy-seven, entitled "An act in relation to certain matters and proceedings in surrogates' courts in cases of disqualification." Passed May 17, 1879.
- CHAP. 812.** An act to legalize and validate the execution of certain conveyances by the ministers, elders and deacons of the Reformed Protestant Dutch Church of the city of New York. Passed May 17, 1879.
- CHAP. 813.** An act to provide for the care and protection of Moscow public square and parade ground. Passed May 17, 1879.
- CHAP. 814.** An act to enable the trustees of St. Patrick's Cathedral, in the city of New York, to acquire lands for cemetery purposes. Passed May 17, 1879.
- CHAP. 815.** An act to authorize and direct the Commissioners of the Department of Public Parks in the city of New York to alter and amend their maps, made and adopted in pursuance of chapter six hundred and four of the Laws of eighteen hundred and seventy-four and as amended by chapter four hundred and thirty-six of the Laws of eighteen hundred and seventy-six, by extending Welch street, from its present easterly terminus easterly through the lands of the New York and Harlem Railroad Company, and of John B. Haskin to the Kingsbridge Road. Passed May 19, 1879; three-fifths being present.
- CHAP. 816.** An act to amend chapter two hundred and thirty-eight of the Laws of eighteen hundred and fifty-three, entitled "An act relative to disputed wills." Passed May 19, 1879.
- CHAP. 817.** An act to authorize the laying of pipes in the streets, avenues and public places in the various cities, towns and villages of this State for heating and other purposes. Passed May 19, 1879.
- CHAP. 818.** An act to amend chapter five hundred and seventy-seven of the Laws of eighteen hundred and seventy-five, entitled "An act to revise and consolidate the several acts relative to public schools in the city of Auburn." Passed May 19, 1879; three-fifths being present.
- CHAP. 819.** An act to provide for the reimbursement by the town of Hamlin, in Monroe county, to Silas Hoskins and Peter Blossom, of the damages and costs recovered by John Griffith against them, in an action in the Monroe county court, and their costs in defending the same. Passed May 19, 1879; three-fifths being present.
- CHAP. 820.** An act to provide for submitting a proposed amendment to the constitution to the electors of the State. Passed May 19, 1879; three-fifths being present.
- CHAP. 821.** An act to amend article three, title one of chapter eight, part two of the Revised Statutes, entitled "of divorces dissolving the marriage contract." Passed May 19, 1879.
- CHAP. 822.** An act to incorporate the Mary Washington School, at Mayville, Chautauqua county. Passed May 19, 1879.
- CHAP. 823.** An act to authorize the United States to lay water and gas-pipes and telegraph lines under Buttermilk channel, and to prevent the obstruction thereof. Passed May 19, 1879; three-fifths being present.

- CHAP. 324.** An act to prevent conflagrations in certain cases within the counties of New York, Kings and Queens. Passed May 19, 1879.
- CHAP. 325.** An act to incorporate the fire department of the city of Kingston. Passed May 19, 1879; three-fifths being present.
- CHAP. 326.** An act to release the interest of the people of the State of New York in and to certain real estate in the city of New York, in the State of New York, of which Hugh Clark or Alexander Clark, or both of said persons, died seized, to the persons who, according to the statutes of this State, would answer the description of heirs-at-law of such deceased persons. Passed May 19, 1879; by a two-third vote.
- CHAP. 327.** An act to provide for the sale of the academy part of the academy and town hall of the town of Almond, in the county of Allegany. Passed May 19, 1879; three-fifths being present.
- CHAP. 328.** An act for the protection of human life at public watering and bathing places. Passed May 19, 1879.
- CHAP. 329.** An act to amend chapter five hundred and nineteen of the Laws of eighteen hundred and seventy, entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eighth, eighteen hundred and seventy. Passed May 19, 1879; three-fifths being present.
- CHAP. 330.** An act to provide for the election of a surrogate, separate from the county judge of the county of Suffolk, and to fix the salary of said surrogate, and also the salary of the county judge of said county hereafter to be elected. Passed May 19, 1879; three-fifths being present.
- CHAP. 331.** An act to facilitate the transaction of public business by authorizing the administration of oaths in matters pertaining to canal business. Passed May 19, 1879.
- CHAP. 332.** An act to release to Henry M. Leddy the interest of the people of the State of New York in and to certain real estate, in the county of Schuyler. Passed May 19, 1879; by a two-third vote.
- CHAP. 333.** An act to change the grade of Steinway avenue and of the adjacent streets and avenues in Long Island City. Passed May 19, 1879; three-fifths being present.
- CHAP. 334.** An act to amend chapter four hundred and eighty-two of the Laws of eighteen hundred and sixty-two, entitled "An act to provide for the collection of demands against ships and vessels." Passed May 19, 1879; three-fifths being present.
- CHAP. 335.** An act to amend chapter two hundred and fifty-two of the Laws of eighteen hundred and seventy-one, entitled "An act to amend the charter of the village of Geddes, in the county of Onondaga." Passed May 19, 1879; three-fifths being present.
- CHAP. 336.** An act to enable storage warehousemen to collect their charges upon goods deposited with them by the sale thereof. Passed May 19, 1879.
- CHAP. 337.** An act in relation to the incorporation of villages. Passed May 19, 1879; three-fifths being present.
- CHAP. 338.** An act to confirm the election of the trustees and other officers of the village of Liverpool. Passed May 19, 1879.
- CHAP. 339.** An act to amend section seven, chapter five hundred and fifty-eight of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Niagara River Transit Company, and to authorize said company to construct a bridge or tunnel." Passed May 19, 1879.
- CHAP. 340.** An act to consolidate the Buffalo Society for the Prevention of Cruelty to Children, and the Erie County Society for the Prevention of Cruelty to Children. Passed May 19, 1879.
- CHAP. 341.** An act to amend chapter five hundred and twenty-five of the Laws of eighteen hundred and sixty-eight, entitled "An act to amend the certificate of incorporation of the New York Ophthalmic Hospital," passed May first, eighteen hundred and sixty-eight. Passed May 20, 1879; three-fifths being present.
- CHAP. 342.** An act in relation to the funded debt of the city of Albany. Passed May 20, 1879; three-fifths being present.
- CHAP. 343.** An act to amend chapter forty-one of the Laws of eighteen hundred and seventy-nine, entitled "An act in relation to the temporary relief of the poor in the town of Kingston, Ulster county." Passed May 20, 1879; three-fifths being present.

- CHAP. 344.** An act to incorporate the Rochester Driving Park, of Rochester, Monroe county, New York. Passed May 20, 1879; three-fifths being present.
- CHAP. 345.** An act to amend chapter one hundred and forty-seven of the Laws of eighteen hundred and seventy-six, entitled "An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river, Spuyten Duyvil creek, from the North river to the East river, through the Harlem kills, and ceding jurisdiction over the same." Passed May 20, 1879; three-fifths being present.
- CHAP. 346.** An act for the enlargement of the Clinton State prison. Passed May 21, 1879; three-fifths being present.
- CHAP. 347.** An act to protect the rights of policy-holders in life insurance companies. Passed May 21, 1879.
- CHAP. 348.** An act to establish the compensation of county judge and surrogate of Ulster county. Passed May 22, 1879; three-fifths being present.
- *CHAP. 349.** An act further to amend chapter four hundred and seventeen of the Laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts." Passed May 22, 1879; three-fifths being present.
- CHAP. 350.** An act to amend chapter five hundred and ninety-eight of the Laws of eighteen hundred and seventy-five, entitled "An act in relation to railroad corporations." Passed May 23, 1879.
- CHAP. 351.** An act to amend chapter eight hundred and fifty-four of the Laws of eighteen hundred and sixty-eight, entitled "An act to make provision for the government of the county of New York," and to provide for auditing and adjusting the accounts of Nelson J. Waterbury, formerly district attorney of the said county. Passed May 24, 1879; three-fifths being present.
- CHAP. 352.** An act to authorize the payment of certain moneys out of the State treasury to Herman A. Schumacher, attorney-in-fact of Anton Wolf, sole heir and next of kin of Elizabeth Voorhees, deceased. Passed May 24, 1879; by a two-third vote.
- CHAP. 353.** An act to extend the time for the completion of the railroad of the Rochester and Lake Ontario Railway Company from Bay street in the city of Rochester to Lake Ontario. Passed May 24, 1879.
- CHAP. 354.** An act for the relief of the New York Tunnel Company. Passed May 26, 1879.
- CHAP. 355.** An act to establish the compensation of public officers in Ulster county. Passed May 26, 1879; three-fifths being present.
- CHAP. 356.** An act to release the interest of the people of the State of New York in certain real estate in the town of Hempstead, in Queens county, to Bernard Elfring. Passed May 26, 1879; by a two-third vote.
- CHAP. 357.** An act to establish the compensation of the county judge and surrogate of Sullivan county. Passed May 26, 1879; three-fifths being present.
- CHAP. 358.** An act relating to the term of office of the county treasurer of Kings county. Passed May 26, 1879.
- CHAP. 359.** An act to legalize the official acts of William E. S. Fales as notary public. Passed May 26, 1879.
- CHAP. 360.** An act to legalize the official acts of certain justices of the peace. Passed May 26, 1879.
- CHAP. 361.** An act for the preservation of song and small birds. Passed May 26, 1879; three-fifths being present.
- CHAP. 362.** An act to establish the compensation of the county judge and surrogate of Greene county. Passed May 26, 1879; three-fifths being present.
- CHAP. 363.** An act authorizing the claim of John Mullaly against the mayor, aldermen and commonalty of the city of New York to be submitted on its merits for judicial determination. Passed May 26, 1879; three-fifths being present.
- CHAP. 364.** An act to amend subdivision five of section one of chapter two hundred and fifty-seven of the Laws of eighteen hundred and seventy-six, entitled "An act to amend chapter four hundred and eighty-two of the Laws of eighteen hundred and seventy-five, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors.' Passed May 26, 1879; three-fifths being present.

- CHAP. 365.** An act to amend chapter one hundred and ninety-six of the Laws of eighteen hundred and thirty-five, entitled "An act to incorporate the village of Mount Morris." Passed May 26, 1879; three-fifths being present.
- CHAP. 366.** An act to legalize the acts of Ira Leo Bamberger, as notary public. Passed May 26, 1879.
- CHAP. 367.** An act to release the interest of the people of the State of New York in certain real estate in the city of Syracuse, and in the town of Geddes, and county of Onondaga, to Joseph Franklin. Passed May 26, 1879; by a two-third vote.
- CHAP. 368.** An act to legalize the acts of Niles A. Kinney as notary public. Passed May 26, 1879.
- CHAP. 369.** An act for the transfer of certain documents of record from the county clerk's office in the county of Ulster, to the county clerk's office in the county of Delaware. Passed May 26, 1879; three-fifths being present.
- CHAP. 370.** An act to amend chapter two hundred and twenty-four of the Laws of eighteen hundred and forty-nine, entitled "An act to incorporate the Syracuse City Water Works Company," and to amend the title of said act. Passed May 26, 1879.
- CHAP. 371.** An act to amend chapter sixty-five of the Laws of eighteen hundred and seventy-eight, entitled "An act to amend the statutes in reference to the collection of taxes in the counties of Livingston, Montgomery and Oswego," so as to make the provisions of said act apply to the counties of Ulster and Ontario. Passed May 27, 1879; three-fifths being present.
- CHAP. 372.** An act to provide ways and means for the support of the government. Passed May 27, 1879; three-fifths being present.
- CHAP. 373.** An act to amend chapter four hundred and fifty-one of the Laws of eighteen hundred and seventy-four, entitled "An act to amend the several acts in relation to State prisons." Passed May 27, 1879; three-fifths being present.
- CHAP. 374.** An act making appropriation for replacing the uniforms and equipments belonging to the Tenth regiment, National Guard, which were injured or destroyed at West Albany, July eighteen, eighteen hundred and seventy-seven. Passed May 27, 1879; three-fifths being present.
- CHAP. 375.** An act relating to the bonded debt of the county of Kings, and to provide for the payment and cancellation of the same. Passed May 27, 1879; three-fifths being present.
- CHAP. 376.** An act to extend the time for the collection of taxes in the town of Watervliet in the county of Albany. Passed May 27, 1879; three-fifths being present.
- CHAP. 377.** An act in relation to telegraph companies. Passed May 27, 1879; three-fifths being present.
- CHAP. 378.** An act to provide for a special election for clerk of the village of Greenbush and to prescribe the duties of the trustees in reference to the same. Passed May 27, 1879; three-fifths being present.
- CHAP. 379.** An act prescribing the officers and employees that may be elected, appointed or employed by the senate and assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof. Passed May 27, 1879; three-fifths being present.
- CHAP. 380.** An act declaring the title of certain church property in the town of Canandaigua to be in A. Cleveland Coxe, bishop of the Protestant Episcopal Church of the diocese of Western New York, and to authorize a sale thereof. Passed May 27, 1879.
- CHAP. 381.** An act to extend the distribution of Croton water through the city of New York, and to lay the necessary mains therefor, and to deliver it at higher elevations. Passed May 27, 1879; three-fifths being present.
- CHAP. 382.** An act in relation to lands in Monroe, Oswego, Suffolk, Sullivan and other counties, bid in for the State at the tax sale, held by the comptroller in the year eighteen hundred and seventy-seven, and to other lands in said counties which were sold at said sale on which the bids remain unpaid. Passed May 27, 1879; three-fifths being present.

- CHAP. 383.** An act to amend chapter thirty-two of the Laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter two hundred and thirty-eight of the Laws of eighteen hundred and sixty-two, entitled 'An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road to pay the expense of keeping the same in repair.'" Passed May 28, 1879; three-fifths being present.
- CHAP. 384.** An act to regulate the planting of oysters in the public waters of the town of Hempstead, in the town of Queens. Passed May 28, 1879.
- CHAP. 385.** An act to abolish the office of overseer of the Kingston bridge in the town of Kingston, Ulster county. Passed May 28, 1879.
- CHAP. 386.** An act to repeal chapter seven hundred and ninety of the Laws of eighteen hundred and seventy-two, entitled "An act to establish a special road district and appropriate the highway taxes on the non-resident lands therein for the construction of a road from Blood's hotel, to Tupper's lake, Franklin county," passed May twenty-first, eighteen hundred and seventy-two, and chapter one hundred and ninety-one of the Laws of eighteen hundred and seventy-five, amending said chapter seven hundred and ninety of the Laws of eighteen hundred and seventy-two. Passed May 28, 1879; three-fifths being present.
- CHAP. 387.** An act authorizing the State board of audit to audit the claim of the Ninth regiment, National Guard of the State of New York, for uniforms damaged and destroyed in the active service of the State, during the labor riots of July, eighteen hundred and seventy-seven, and to provide for the payment thereof. Passed May 28, 1879; three-fifths being present.
- CHAP. 388.** An act to amend chapter five hundred and forty-nine of the Laws of eighteen hundred and sixty-seven, entitled "An act to amend an act passed February eleventh, eighteen hundred and sixty, entitled 'An act in relation to the cutting of ice in the Hudson river,' providing additional safeguards for travelers and teams, and conferring jurisdiction over offenses mentioned in said act." Passed May 28, 1879.
- CHAP. 389.** An act to amend chapter one hundred and fifty of the Laws of eighteen hundred and fifty, entitled "An act authorizing surrogates to invest surplus moneys arising from sale of real estate in certain cases." Passed May 28, 1879.
- CHAP. 390.** An act extending the jurisdiction of courts of special sessions, except in the city of Albany and in the city and county of New York. Passed May 28, 1879; three-fifths being present.
- CHAP. 391.** An act making an appropriation for the publication of certain historical records. Passed May 28, 1879; three-fifths being present.
- CHAP. 392.** An act to authorize the town of Massena, in the county of St. Lawrence, to acquire title to land for burial purposes. Passed May 28, 1879; three-fifths being present.
- CHAP. 393.** An act in relation to the election of trustees or directors of co-operative and industrial unions. Passed May 28, 1879.
- CHAP. 394.** An act to provide for the payment of an award made by the Board of Audit, pursuant to chapter one hundred and ninety-six of the Laws of eighteen hundred and seventy-nine. Passed May 28, 1879; three-fifths being present.
- CHAP. 395.** An act to authorize certain railroad companies to increase the number of their directors. Passed May 28, 1879.
- CHAP. 396.** An act to amend chapter two hundred and nineteen of the Laws of eighteen hundred and seventy-seven, entitled "An act for the relief of school districts wishing to contract with boards of education of cities to educate their children in city schools." Passed May 28, 1879; three-fifths being present.
- CHAP. 397.** An act to provide for the laying of telegraph wires underground. Passed May 28, 1879.
- CHAP. 398.** An act authorizing and empowering the superintendent of public works to construct a lift or hoist bridge over the Erie canal, in the village of Fort Plain. Passed May 28, 1879; three-fifths being present.

- *CHAP. 399. An act to exempt the towns of Afton and Plymouth, in the county of Chango, from the provisions and operation of chapter one hundred and eighty of the Laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties." Passed May 28, 1879; three-fifths being present.
- CHAP. 400. An act authorizing the comptroller to settle and discharge certain claims of the State at the State prison at Auburn. Passed May 28, 1879; three-fifths being present.
- CHAP. 401. An act authorizing the board of supervisors of Erie county to sell and convey certain real estate owned by said county. Passed May 28, 1879; three-fifths being present.
- CHAP. 402. An act to repeal a portion of section seven of chapter three hundred and forty-three of the Laws of eighteen hundred and sixty-five as amended by section two of chapter three hundred and ninety-nine of the Laws of eighteen hundred and sixty-six, entitled "An act to amend an act entitled 'An act for the protection of the planting of oysters in the county of Queens, New York.'" Passed May 28, 1879; three-fifths being present.
- CHAP. 403. An act to prevent certain abuses upon the canals of this State. Passed May 29, 1879; three-fifths being present.
- CHAP. 404. An act to authorize the town of Sardinia, in the county of Erie, to expend the principal and interest of the common school fund of said town for school purposes. Passed May 29, 1879; three-fifths being present.
- CHAP. 405. An act to amend sections two and ten of chapter two hundred and forty-eight of the Laws of eighteen hundred and seventy-eight, entitled "An act in relation to the election of officers in certain school districts." Passed May 29, 1879; three-fifths being present.
- CHAP. 406. An act in relation to proceedings in the surrogates' courts of the several counties of the State, except the county of New York. Passed May 29, 1879; three-fifths being present.
- CHAP. 407. An act to provide for the care and maintenance of insane inmates of the New York State Soldiers and Sailors' Home. Passed May 29, 1879; three-fifths being present.
- CHAP. 408. An act to authorize the president and trustees of the village of West Troy to raise by tax upon the taxable property within said village, such sum or sums as are necessary to meet and pay the outstanding indebtedness of said village. Passed May 29, 1879; three-fifths being present.
- CHAP. 409. An act to extend the time for the organization of the Centennial Insurance Company of New York. Passed May 29, 1879.
- CHAP. 410. An act to increase the number of trustees of "The Long Island Camp-Meeting Association of the Methodist Episcopal Church." Passed May 29, 1879.
- CHAP. 411. An act to further amend chapter four hundred and two of the Laws of eighteen hundred and sixty-eight, entitled "An act to authorize the trustees of incorporated rural cemeteries to impose a tax upon the lot owners in said cemeteries." Passed May 29, 1879.
- CHAP. 412. An act to amend chapter one hundred and seventy-nine of the Laws of eighteen hundred and twenty-nine, entitled "An act to incorporate the Smithboro and Nichols Bridge Company." Passed May 29, 1879.
- CHAP. 413. An act supplemental to chapter three hundred and ninety-five of the Laws of eighteen hundred and fifty-three, entitled "An act for the incorporation of library companies." Passed May 29, 1879.
- CHAP. 414. An act to amend chapter four hundred and forty-eight of the Laws of eighteen hundred and seventy-six, entitled "An act relating to Courts, Officers of Justice and Civil Proceedings." Passed May 29, 1879; three-fifths being present.
- CHAP. 415. An act for the safety and better protection of life on the several railroads of this State. Passed May 29, 1879; three-fifths being present.
- CHAP. 416. An act requiring a duplication of certain stenographic notes of the proceedings of the supreme court, fifth judicial district, as taken by the late stenographer of that court, that have been damaged by fire and water. Passed May 29, 1879; three-fifths being present.

- CHAP. 417.** An act to amend chapter two hundred and twelve of the Laws of eighteen hundred and seventy-eight, entitled "An act to establish the right of citizens of this State to carry on their business in all parts thereof." Passed May 29, 1879; three-fifths being present.
- CHAP. 418.** An act to amend chapter five hundred and one of the Laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April twenty-nine, eighteen hundred and thirty-three." Passed May 29, 1879.
- CHAP. 419.** An act for the relief of the Sixth Avenue Baptist Society of the city of Brooklyn. Passed May 29, 1879.
- CHAP. 420.** An act to amend chapter ninety-four of the Laws of eighteen hundred and thirty-one, entitled "An act to incorporate the Society for the Relief of Orphan and Destitute Children in the city of Albany." Passed May 30, 1879.
- CHAP. 421.** An act to incorporate the St. John's Cemetery, in the State of New York. Passed May 30, 1879; three-fifths being present.
- CHAP. 422.** An act to amend chapter three hundred and seventy-one of the Laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs." Passed May 30, 1879.
- CHAP. 423.** An act to authorize the commissioners of the town of Otego, in the county of Otsego, to pay over and dispose of the surplus moneys in the hands of said commissioners arising out of the sale of the railroad stock of said town. Passed May 30, 1879; three-fifths being present.
- CHAP. 424.** An act to regulate proceedings in the closing and dissolution of savings banks. Passed May 30, 1879.
- CHAP. 425.** An act to amend chapter two hundred and six of the Laws of eighteen hundred and seventy-nine, entitled "An act to authorize the commanding officer of the United States military post at West Point, New York, to acquire the title to lands or round, pond, rights of way, and easements, for the purpose of furnishing, increasing and improving the water supply of said military post, in accordance with the act of congress, approved January twentieth, eighteen hundred and seventy-nine." Passed May 30, 1879.
- CHAP. 426.** An act to extend the time allowed the New York and Long Island Bridge Company to construct a bridge over the East river, between the city of New York and Long Island, and repeal section seven of chapter three hundred and ninety-five of the Laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the New York and Long Island Bridge Company." Passed May 30, 1879.
- CHAP. 427.** An act to authorize the president and trustees of the village of Weedsport to issue bonds for the purchase of a steam fire engine. Passed May 30, 1879.
- CHAP. 428.** An act to regulate the character of the investment of banks of deposit. Passed May 30, 1879.
- CHAP. 429.** An act in relation to the officers in the village of Hempstead, in the county of Queens. Passed May 30, 1879; three-fifths being present.
- CHAP. 430.** An act to abolish the offices of police justice and police constable in the village of Hempstead, in the county of Queens. Passed May 30, 1879; three-fifths being present.
- CHAP. 431.** An act requiring the commissioners of the town of Unadilla, in the county of Otsego, to pay over the surplus moneys or securities in their hands to the county treasurer, to be used for the payment of taxes against said town. Passed May 30, 1879.
- CHAP. 432.** An act to amend chapter one hundred and forty-four of the Laws of eighteen hundred and seventy-two, entitled "An act to amend the charter of the city of Albany, passed March sixteenth, eighteen hundred and seventy, and the several acts amendatory thereof." Passed May 30, 1879; three-fifths being present.
- CHAP. 433.** An act authorizing the board of education of Union Free School District Number One, Milton, to issue bonds to be known as "extended school bonds," to pay the school district bonds of said district maturing in the year eighteen hundred and eighty, eighteen hundred and eighty-five, eighteen hundred and ninety and eighteen hundred and ninety-five. Passed May 30, 1879; three-fifths being present.

- CHAP. 434.** An act to provide for the collection of taxes assessed in the year eighteen hundred and seventy-three in the town of West Farms, and for the payment of claims against said town. Passed May 30, 1879; three-fifths being present.
- CHAP. 435.** An act in relation to the raising of funds for the relief of the poor of the town of Plattsburgh, in the county of Clinton. Passed May 30, 1879; three-fifths being present.
- CHAP. 436.** An act to provide for the construction of a dam across Moose river, in the county of Herkimer. Passed May 31, 1879; three-fifths being present.
- CHAP. 437.** An act to amend section twenty-six, of chapter three hundred and seventy-one of the Laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs." Passed May 31, 1879.
- CHAP. 438.** An act to reduce the number of trustees of the Metropolitan Throat Hospital, in the city of New York. Passed May 31, 1879; three-fifths being present.
- CHAP. 439.** An act to authorize Peter Carr to establish and maintain a ferry across the Cayuga lake at Union Springs. Passed May 31, 1879; three-fifths being present.
- CHAP. 440.** An act to authorize the benevolent society in the city of New York, known as the Maimonides Benevolent Society, to buy, hold and dispose of land for cemetery purposes. Passed May 31, 1879.
- CHAP. 441.** An act supplementary to and explanatory of the act passed April ninth, eighteen hundred and seventy-eight, entitled "An act to amend chapter one hundred and thirty-five of the Laws of eighteen hundred and seventy-six, entitled 'An act to authorize plankroad and turnpike companies formed under and by virtue of an act entitled An act to provide for the incorporation of companies to construct plankroads, and of companies to construct turnpike roads,' passed May seven, eighteen hundred and forty-seven, to extend their charter or corporate existence." Passed May 31, 1879.
- CHAP. 442.** An act to amend chapter eighteen of part one of the Revised Statutes, entitled "Of banking associations and bankers." Passed May 31, 1879.
- CHAP. 443.** An act for the relief of Phineas H. Kingsland. Passed May 31, 1879; three-fifths being present.
- CHAP. 444.** An act to amend chapter five hundred and twenty-seven of the Laws of eighteen hundred and seventy-one, entitled "An act to authorize the construction of a street railroad in the city of Auburn." Passed June 2, 1879; three-fifths being present.
- CHAP. 445.** An act to legalize and confirm a patent issued to Alonzo P. Speedling and William F. Lawrence, for lands under water in the city (late town) of Yonkers. Passed June 3, 1879; by a two-third vote.
- CHAP. 446.** An act to amend chapter three hundred and sixty-one of the Laws of eighteen hundred and sixty-seven, entitled "An act authorizing supplementary proceedings for the collection of taxes." Passed June 3, 1879; three-fifths being present.
- CHAP. 447.** An act to amend article two, title two, chapter twelve, part one of the Revised Statutes, entitled "Of the county treasurer." Passed June 3, 1879; three-fifths being present.
- CHAP. 448.** An act to amend chapter four hundred and sixty-three of the Laws of eighteen hundred and seventy-four, entitled "An act to provide for the maintenance of prisoners sent to the Monroe County Penitentiary from the several towns and the city of Rochester, in the county of Monroe." Passed June 3, 1879; three-fifths being present.
- CHAP. 449.** An act to amend article second of title six of chapter two of the fourth part of the Revised Statutes, entitled "Of writs of error on judgments and certioraris in criminal cases." Passed June 3, 1879.
- CHAP. 450.** An act to amend and make additions to chapter three hundred and sixty-seven of the Laws of eighteen hundred and seventy-six, entitled "An act to amend and make additions to chapter four hundred and sixty-three of the Laws of eighteen hundred and sixty, entitled 'An act to revise the charter of the city of Oswego,' and the acts amendatory thereof." Passed June 3, 1879; three-fifths being present.

- CHAP. 451.** An act to amend chapter two-hundred and sixty-one of the Laws of eighteen hundred and fifty-two, entitled "An act to incorporate the New York College of Dental Surgery." Passed June 3, 1879; three-fifths being present.
- CHAP. 452.** An act to repeal chapter three hundred and twenty-three of the Laws of eighteen hundred and seventy, entitled "An act to amend an act, entitled 'An act to amend and consolidate the several acts in relation to the village of Rhinebeck,'" passed February second, eighteen hundred and sixty-seven. Passed June 3, 1879; three-fifths being present.
- CHAP. 453.** An act in relation to the collection of uncollected taxes in the city of Binghamton, Broome county, New York. Passed June 3, 1879; three-fifths being present.
- CHAP. 454.** An act to amend "An act to revise the charter of Long Island City." Passed June 3, 1879; three-fifths being present.
- CHAP. 455.** An act to amend chapter two hundred and twenty-three of the Laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Lockport Catholic Literary Union." Passed June 3, 1879.
- CHAP. 456.** An act to amend chapter three hundred and seventy-six of the Laws of eighteen hundred and seventy-six, entitled "An act to prevent the deposit of mud, earth, soil, ashes or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river and to preserve the navigation thereof," passed May twentieth, eighteen hundred and seventy-six. Passed June 3, 1879; three-fifths being present.
- CHAP. 457.** An act to authorize the commissioners of the sinking fund of the city and county of New York to renew a lease of certain lands to the Orphans' Home and Asylum of the Protestant Episcopal Church, in New York. Passed June 3, 1879.
- CHAP. 458.** An act to amend section six, chapter five hundred and thirty-three of the Laws of eighteen hundred and sixty-nine, entitled "An act to amend several acts in relation to Union village in the county of Washington and to change the name of said village to Greenwich," passed April third, eighteen hundred and sixty-seven. Passed June 3, 1879; three-fifths being present.
- CHAP. 459.** An act to amend section six of chapter eight hundred and four of the Laws of eighteen hundred and sixty-seven, and section eleven of chapter seven hundred and ninety-two of the Laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Port Richmond, in the county of Richmond." Passed June 3, 1879; three-fifths being present.
- CHAP. 460.** An act to amend chapter one hundred and twenty-three of the Laws of eighteen hundred and fifty-four, entitled "An act to promote medical science." Passed June 3, 1879; three-fifths being present.
- CHAP. 461.** An act to amend chapter three hundred and seventy of the Laws of eighteen hundred and seventy-three, entitled "An act to revise and amend an act entitled 'An act to incorporate the village of Port Jervis,' passed March thirtieth, eighteen hundred and sixty-six, and all acts relating thereto." Passed June 3, 1879; three-fifths being present.
- CHAP. 462.** An act to amend chapter one hundred and seventy-three of the Laws of eighteen hundred and seventy-seven, entitled "An act in relation to the imprisonment of convicts in the New York State Reformatory at Elmira, and the government and release of such convicts by the managers." Passed June 3, 1879; three-fifths being present.
- CHAP. 463.** An act to amend an act, entitled "An act supplementary to chapter sixty of the Laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies,'" passed March twenty-ninth, eighteen hundred and seventy-five. Passed June 3, 1879.
- CHAP. 464.** An act to amend chapter four hundred and eighty-seven of the Laws of eighteen hundred and seventy-five, entitled "An act to alter the commissioners' map of the city of Brooklyn, and for other purposes." Passed June 4, 1879; three-fifths being present.
- CHAP. 465.** An act to redeem the lowlands of Bushwick creek. Passed June 4, 1879.
- CHAP. 466.** An act in relation to parts of Ocean avenue and Franklin avenue, in the town of Flatbush. Passed June 4, 1879.

- CHAP. 434. An act to provide for the collection of taxes assessed in the year eighteen hundred and seventy-three in the town of West Farms, and for the payment of claims against said town. Passed May 30, 1879; three-fifths being present.
- CHAP. 435. An act in relation to the raising of funds for the relief of the poor of the town of Plattsburgh, in the county of Clinton. Passed May 30, 1879; three-fifths being present.
- CHAP. 436. An act to provide for the construction of a dam across Moose river, in the county of Herkimer. Passed May 31, 1879; three-fifths being present.
- CHAP. 437. An act to amend section twenty-six, of chapter three hundred and seventy-one of the Laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs." Passed May 31, 1879.
- CHAP. 438. An act to reduce the number of trustees of the Metropolitan Throat Hospital, in the city of New York. Passed May 31, 1879; three-fifths being present.
- CHAP. 439. An act to authorize Peter Carr to establish and maintain a ferry across the Cayuga lake at Union Springs. Passed May 31, 1879; three-fifths being present.
- CHAP. 440. An act to authorize the benevolent society in the city of New York, known as the Maimonides Benevolent Society, to buy, hold and dispose of land for cemetery purposes. Passed May 31, 1879.
- CHAP. 441. An act supplementary to and explanatory of the act passed April ninth, eighteen hundred and seventy-eight, entitled "An act to amend chapter one hundred and thirty-five of the Laws of eighteen hundred and seventy-six, entitled 'An act to authorize plankroad and turnpike companies formed under and by virtue of an act entitled An act to provide for the incorporation of companies to construct plankroads, and of companies to construct turnpike roads,' passed May seven, eighteen hundred and forty-seven, to extend their charter or corporate existence." Passed May 31, 1879.
- CHAP. 442. An act to amend chapter eighteen of part one of the Revised Statutes, entitled "Of banking associations and bankers." Passed May 31, 1879.
- CHAP. 443. An act for the relief of Phineas H. Kingsland. Passed May 31, 1879; three-fifths being present.
- CHAP. 444. An act to amend chapter five hundred and twenty-seven of the Laws of eighteen hundred and seventy-one, entitled "An act to authorize the construction of a street railroad in the city of Auburn." Passed June 2, 1879; three-fifths being present.
- CHAP. 445. An act to legalize and confirm a patent issued to Alonzo P. Speedling and William F. Lawrence, for lands under water in the city (late town) of Yonkers. Passed June 3, 1879; by a two-third vote.
- CHAP. 446. An act to amend chapter three hundred and sixty-one of the Laws of eighteen hundred and sixty-seven, entitled "An act authorizing supplementary proceedings for the collection of taxes." Passed June 3, 1879; three-fifths being present.
- CHAP. 447. An act to amend article two, title two, chapter twelve, part one of the Revised Statutes, entitled "Of the county treasurer." Passed June 3, 1879; three-fifths being present.
- CHAP. 448. An act to amend chapter four hundred and sixty-three of the Laws of eighteen hundred and seventy-four, entitled "An act to provide for the maintenance of prisoners sent to the Monroe County Penitentiary from the several towns and the city of Rochester, in the county of Monroe." Passed June 3, 1879; three-fifths being present.
- CHAP. 449. An act to amend article second of title six of chapter two of the fourth part of the Revised Statutes, entitled "Of writs of error on judgments and certioraris in criminal cases." Passed June 3, 1879.
- CHAP. 450. An act to amend and make additions to chapter three hundred and sixty-seven of the Laws of eighteen hundred and seventy-six, entitled "An act to amend and make additions to chapter four hundred and sixty-three of the Laws of eighteen hundred and sixty, entitled 'An act to revise the charter of the city of Oswego,' and the acts amendatory thereof." Passed June 3, 1879; three-fifths being present.

- CHAP. 451.** An act to amend chapter two-hundred and sixty-one of the Laws of eighteen hundred and fifty-two, entitled "An act to incorporate the New York College of Dental Surgery." Passed June 3, 1879; three-fifths being present.
- CHAP. 452.** An act to repeal chapter three hundred and twenty-three of the Laws of eighteen hundred and seventy, entitled "An act to amend an act, entitled 'An act to amend and consolidate the several acts in relation to the village of Rhinebeck,'" passed February second, eighteen hundred and sixty-seven. Passed June 3, 1879; three-fifths being present.
- CHAP. 453.** An act in relation to the collection of uncollected taxes in the city of Binghamton, Broome county, New York. Passed June 3, 1879; three-fifths being present.
- CHAP. 454.** An act to amend "An act to revise the charter of Long Island City." Passed June 3, 1879; three-fifths being present.
- CHAP. 455.** An act to amend chapter two hundred and twenty-three of the Laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Lockport Catholic Literary Union." Passed June 3, 1879.
- CHAP. 456.** An act to amend chapter three hundred and seventy-six of the Laws of eighteen hundred and seventy-six, entitled "An act to prevent the deposit of mud, earth, soil, ashes or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river and to preserve the navigation thereof," passed May twentieth, eighteen hundred and seventy-six. Passed June 3, 1879; three-fifths being present.
- CHAP. 457.** An act to authorize the commissioners of the sinking fund of the city and county of New York to renew a lease of certain lands to the Orphans' Home and Asylum of the Protestant Episcopal Church, in New York. Passed June 3, 1879.
- CHAP. 458.** An act to amend section six, chapter five hundred and thirty-three of the Laws of eighteen hundred and sixty-nine, entitled "An act to amend several acts in relation to Union village in the county of Washington and to change the name of said village to Greenwich," passed April third, eighteen hundred and sixty-seven. Passed June 3, 1879; three-fifths being present.
- CHAP. 459.** An act to amend section six of chapter eight hundred and four of the Laws of eighteen hundred and sixty-seven, and section eleven of chapter seven hundred and ninety-two of the Laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Port Richmond, in the county of Richmond." Passed June 3, 1879; three-fifths being present.
- CHAP. 460.** An act to amend chapter one hundred and twenty-three of the Laws of eighteen hundred and fifty-four, entitled "An act to promote medical science." Passed June 3, 1879; three-fifths being present.
- CHAP. 461.** An act to amend chapter three hundred and seventy of the Laws of eighteen hundred and seventy-three, entitled "An act to revise and amend an act entitled 'An act to incorporate the village of Port Jervis,' passed March thirtieth, eighteen hundred and sixty-six, and all acts relating thereto." Passed June 3, 1879; three-fifths being present.
- CHAP. 462.** An act to amend chapter one hundred and seventy-three of the Laws of eighteen hundred and seventy-seven, entitled "An act in relation to the imprisonment of convicts in the New York State Reformatory at Elmira, and the government and release of such convicts by the managers." Passed June 3, 1879; three-fifths being present.
- CHAP. 463.** An act to amend an act, entitled "An act supplementary to chapter sixty of the Laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies,'" passed March twenty-ninth, eighteen hundred and seventy-five. Passed June 3, 1879.
- CHAP. 464.** An act to amend chapter four hundred and eighty-seven of the Laws of eighteen hundred and seventy-five, entitled "An act to alter the commissioners' map of the city of Brooklyn, and for other purposes." Passed June 4, 1879; three-fifths being present.
- CHAP. 465.** An act to redeem the lowlands of Bushwick creek. Passed June 4, 1879.
- CHAP. 466.** An act in relation to parts of Ocean avenue and Franklin avenue, in the town of Flatbush. Passed June 4, 1879.

- CHAP. 467.** An act to amend chapter four hundred and fifty-nine of the Laws of eighteen hundred and seventy-seven, entitled "An act in relation to the salaries, fees, percentages and allowances of the officers of the city of Brooklyn." Passed June 4, 1879; three-fifths being present.
- CHAP. 468.** An act in relation to the Brooklyn Eastern District Dispensary and Hospital. Passed June 4, 1879.
- CHAP. 469.** An act for the relief of James W. Dearing. Passed June 4, 1879; three-fifths being present.
- CHAP. 470.** An act to authorize and direct the board of supervisors of Kings county to make suitable provision to reimburse Andrew Zeiser, for all legitimate costs and expenses incurred in and about a certain proceeding, brought by the said Andrew Zeiser to establish and maintain his right and title to and in a certain office in the county of Kings, known and designated as "Commissioner of Charities of the county of Kings," and for the payment of his salary as such commissioner. Passed June 4, 1879; three-fifths being present.
- CHAP. 471.** An act authorizing certain sums of money to be paid to prisoners, confined in the county penitentiaries, upon their discharge therefrom. Passed June 4, 1879.
- CHAP. 472.** An act declaratory of chapter one hundred and forty-five of the Laws of eighteen hundred and seventy-nine, entitled "An act to further amend chapter one hundred and seventy-five of the Laws of eighteen hundred and seventy, entitled 'An act regulating the sale of intoxicating liquors.'" Passed June 4, 1879; three-fifths being present.
- CHAP. 473.** An act to authorize the common council of the city of Brooklyn to appoint an assistant keeper of the city hall. Passed June 4, 1879; three-fifths being present.
- CHAP. 474.** An act to prevent the delaying of passengers on street railroad cars, and to prohibit obstructing the free passage of street railroad cars. Passed June 5, 1879; three-fifths being present.
- CHAP. 475.** An act to amend chapter one hundred and fifty-one of the Laws of eighteen hundred and twenty-five, entitled "An act to revive and continue the act, entitled 'An act to incorporate the German Society in the city of New York.'" Passed June 5, 1879.
- CHAP. 476.** An act to amend chapter three hundred and forty-two of the Laws of eighteen hundred and seventy-eight, entitled "An act to create a board of park commissioners, and to provide for the care, government, protection and improvement of the public park known as Ross Park, in the city of Binghamton." Passed June 5, 1879; three-fifths being present.
- CHAP. 477.** An act to amend chapter five hundred and nineteen of the Laws of eighteen hundred and seventy, entitled "An act to revise the charter of the city of Buffalo." Passed June 5, 1879; three-fifths being present.
- CHAP. 478.** An act to amend chapter one hundred and twenty-five of the Laws of eighteen hundred and seventy-eight, entitled "An act relating to contracts for lighting the public lamps in the city of New York." Passed June 5, 1879; three-fifths being present.
- CHAP. 479.** An act in relation to the relief of the poor in the town of Watervliet, Albany county. Passed June 5, 1879; three-fifths being present.
- CHAP. 480.** An act to provide a supply of wholesome water to the twenty-fourth ward of the city of New York, and to enable the mayor, aldermen and commonalty of the city of New York to obtain the same. Passed June 5, 1879; three-fifths being present.
- CHAP. 481.** An act to amend chapter three hundred and seventy-nine of the Laws of eighteen hundred and seventy-eight, entitled "An act relative to judgments entered upon forfeited recognizances in the city and county of New York." Passed June 5, 1879; three-fifths being present.
- CHAP. 482.** An act to amend chapter six hundred and ninety-two of the Laws of eighteen hundred and seventy, entitled "An act to establish and maintain a police force in the city of Cohoes," and the act amendatory thereof, passed April twenty-third, eighteen hundred and seventy-three. Passed June 6, 1879; three-fifths being present.

- CHAP. 483.** An act to amend chapter six hundred and thirty of the Laws of eighteen hundred and seventy-one, entitled "An act in regard to assessments for street improvements in the city of Cohoes." Passed June 6, 1879; three-fifths being present.
- CHAP. 484.** An act for the relief of Warren S. Sillocks, Joshua S. Cooley and Thomas Kirkpatrick. Passed June 6, 1879; three-fifths being present.
- CHAP. 485.** An act to amend chapter four hundred and sixty-three of the Laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and casualty insurance companies, and in relation to agencies of such companies." Passed June 6, 1879.
- CHAP. 486.** An act to amend chapter three hundred and ninety-five of the Laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter five hundred and nineteen of the Laws of eighteen hundred and seventy, entitled 'An act to revise the charter of the city of Buffalo.'" Passed June 6, 1879; three-fifths being present.
- CHAP. 487.** An act to amend chapter five hundred and nineteen of the Laws of eighteen hundred and seventy, entitled "An act to revise the charter of the city of Buffalo." Passed June 6, 1879; three-fifths being present.
- CHAP. 488.** An act to amend chapter five hundred and nineteen of the Laws of eighteen hundred and seventy, entitled "An act to revise the charter of the city of Buffalo." Passed June 6, 1879; three-fifths being present.
- CHAP. 489.** An act to regulate the issuance of policies, and the re-insurance thereof, by fire insurance companies transacting business in this State. Passed June 7, 1879.
- CHAP. 490.** An act to amend section two, chapter two hundred and nine of the Laws of eighteen hundred and seventy-seven, entitled "An act regulating the amount of capital stock for fire and marine insurance companies." Passed June 7, 1879.
- CHAP. 491.** An act for the formation of a camp-meeting association in the county of Yates by members of the Methodist Episcopal Church. Passed June 9, 1879; three-fifths being present.
- CHAP. 492.** An act to amend chapter sixty-nine of the Laws of eighteen hundred and fifty-three, entitled "An act extending the time for the collection of taxes when stayed by injunction or otherwise." Passed June 9, 1879; three-fifths being present.
- CHAP. 493.** An act to provide for the payment of rent for the use and occupation of premises in the city of New York, as an armory by the eighth regiment of the national guard of the State of New York. Passed June 9, 1879; three-fifths being present.
- CHAP. 494.** An act to amend chapter fourteen of the Laws of eighteen hundred and fifty-three, entitled "An act relative to land devised by James Morris, deceased." Passed June 9, 1879.
- CHAP. 495.** An act to amend chapter three hundred and ninety-eight of the Laws of eighteen hundred and seventy-eight, entitled "An act for the relief of John Hogan, and to authorize the comptroller of the city of New York to pay the amount which may be found due from said city to said Hogan for granite furnished for a bridge in said city." Passed June 9, 1879; three-fifths being present.
- CHAP. 496.** An act to incorporate the Supreme Council of the Catholic Mutual Benefit Association. Passed June 9, 1879.
- CHAP. 497.** An act to amend chapter three hundred and five of the Laws of eighteen hundred and seventy-six, entitled "An act for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the towns of New Utrecht, and Gravesend, in Kings county." Passed June 9, 1879; three-fifths being present.
- CHAP. 498.** An act for the relief of Walter K. Marvin and Willis B. Marvin. Passed June 9, 1879; three-fifths being present.
- CHAP. 499.** An act to authorize the adjustment of the claim of Francis Sheridan against the city of New York for fitting up and furnishing armories and drill-rooms in said city. Passed June 10, 1879; three-fifths being present.
- CHAP. 500.** An act to amend chapter nine hundred and twelve of the Laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Cohoes," as amended by chapter two hundred and thirty-four of the Laws of eighteen hundred and seventy-five. Passed June 10, 1879; three-fifths being present.
- CHAP. 501.** An act to prepare for and aid in closing up the business of the improvement commission in Long Island City. Passed June 11, 1879; three-fifths being present.

- CHAP. 502.** An act governing the sale of drugs and poisons in the county of Kings, State of New York. Passed June 12, 1879; three-fifths being present.
- CHAP. 503.** An act to amend chapter two hundred and fifty-four of the Laws of eighteen hundred and sixty-seven, entitled "An act in relation to railroads held under lease." Passed June 12, 1879.
- CHAP. 504.** An act to amend chapter nine hundred and eight of the Laws of eighteen hundred and sixty-seven, entitled "An act for the regulation of tenement and lodging-houses in the cities of New York and Brooklyn." Passed June 16, 1879; three-fifths being present.
- CHAP. 505.** An act to facilitate the foreclosure of mortgages made by consolidated railroad companies of railroads lying partly within and partly without this State. Passed June 16, 1879.
- CHAP. 506.** An act to amend chapter three hundred and seventy, of the Laws of eighteen hundred and sixty-six, entitled "An act to alter the map or plan of the city of New York, and to discontinue certain proposed streets," passed April four, eighteen hundred and sixty-six. Passed June 16, 1879.
- CHAP. 507.** An act making further appropriations for certain expenses of government and supplying deficiencies in former appropriations. Passed June 16, 1879; three-fifths being present.
- CHAP. 508.** An act to provide for the construction and maintenance of an additional public bath in the city of New York. Passed June 16, 1879; three-fifths being present.
- CHAP. 509.** An act to amend section four of chapter three hundred and seventy-nine of the Laws of eighteen hundred and seventy-five, entitled "An act to define and limit the liens of contractors and others upon real estate in the city and county of New York, and to provide for the enforcement thereof." Passed June 16, 1879; three-fifths being present.
- CHAP. 510.** An act to prescribe the rate of wharfage on clam and oyster boats in New York, Brooklyn and Long Island City. Passed June 16, 1879.
- CHAP. 511.** An act additional to chapter three hundred and twenty of the Laws of eighteen hundred and seventy-two, entitled "An act to amend an act relating to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn, passed May sixth, eighteen hundred and seventy." Passed June 16, 1879; three-fifths being present.
- CHAP. 512.** An act to authorize gas-light companies to use electricity instead of gas for the lighting of streets, public places, and public and private buildings in cities, villages and towns within this State. Passed June 16, 1879; three-fifths being present.
- CHAP. 513.** An act to provide for the payment of pensions to widows or children of officers or members of the uniformed force of the fire department of the city of New York. Passed June 16, 1879; three-fifths being present.
- CHAP. 514.** An act to amend chapter four hundred and forty-two of the Laws of eighteen hundred and seventy-seven, entitled "An act to authorize the recovery at law for certain printing done for and stationery furnished to the boards of aldermen and assistant aldermen, in the city of New York." Passed June 16, 1879; three-fifths being present.
- CHAP. 515.** An act to amend chapter six hundred and twenty-five of the Laws of eighteen hundred and seventy-five, entitled "An act in relation to courts of record in the city and county of New York." Passed June 16, 1879; three-fifths being present.
- CHAP. 516.** An act to amend chapter four hundred and forty-five of the Laws of eighteen hundred and seventy-seven, entitled "An act to provide for perfecting and perpetuating the right and title of the city of New York, to property, water, water-rights and privileges heretofore taken or used, or which may be hereafter taken or used by said city to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using." Passed June 16, 1879; three-fifths being present.
- CHAP. 517.** An act to amend chapter seven hundred and fourteen of the Laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown." Passed June 16, 1879; three-fifths being present.

- CHAP. 518.** An act for the better laying out and improving of that portion of the city of New York, between One Hundred and Fifty-fifth street and west of Eighth avenue. Passed June 16, 1879.
- CHAP. 519.** An act in relation to auctioneers in the counties of New York and Kings. Passed June 16, 1879; three-fifths being present.
- CHAP. 520.** An act to amend chapter one hundred and fifty of the Laws of eighteen hundred and seventy-two, entitled "An act to incorporate the city of Kingston." Passed June 18, 1879; three-fifths being present.
- CHAP. 521.** An act to amend chapter three hundred and sixty-five of the Laws of eighteen hundred and sixty-five, entitled "An act to incorporate the city of Lockport," and the several acts amendatory thereof, and to provide for the arrest and punishment of certain disorderly persons within said city. Passed June 18, 1879; three-fifths being present.
- CHAP. 522.** An act further to amend chapter four hundred and four of the Laws of eighteen hundred and seventy-seven, entitled "An act to provide for the disposition and sale of certain lateral canals of this State, and the lands, rights and other property connected therewith." Passed June 18, 1879; by a two-third vote.
- CHAP. 523.** An act to amend chapter two hundred and four of the Laws of eighteen hundred and sixty-four, entitled "An act to amend and consolidate the several acts relating to the village of Lansingburgh," passed April sixteenth, eighteen hundred and sixty-four, as amended by chapter ten of the Laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the village of Lansingburgh." Passed June 18, 1879; three-fifths being present.
- CHAP. 524.** An act to enable Long Island City to pay the interest on its water-debt in the year eighteen hundred and seventy-nine. Passed June 18, 1879; three-fifths being present.
- CHAP. 525.** An act for the relief of the Bank of North America. Passed June 18, 1879; by a two-third vote.
- CHAP. 526.** An act to amend chapter one hundred and sixty-one of the Laws of eighteen hundred and seventy-two, entitled "An act for the protection of tax payers against the frauds, embezzlements and wrongful acts of public officers and agents." Passed June 19, 1879; three-fifths being present.
- CHAP. 527.** An act to amend chapter three hundred and eighty-nine of the Laws of eighteen hundred and seventy-eight, entitled "An act to create a police pension fund for disabled and retired policemen in the city of New York," passed June four, eighteen hundred and seventy-eight. Passed June 19, 1879; three-fifths being present.
- CHAP. 528.** An act to provide for the payment of rent for the use and occupation of premises on the east side of Broadway, between Forty-fourth and Forty-fifth streets, in the city of New York, as an armory by organizations of the National Guard of the State of New York. Passed June 19, 1879; three-fifths being present.
- CHAP. 529.** An act restricting the right to grant, use or occupy certain streets in the city of New York, for the purposes of an elevated railroad. Passed June 19, 1879; three-fifths being present.
- CHAP. 530.** An act for the better protection of hotel keepers, inn-keepers, lodging-house keepers and boarding-house keepers. Passed June 19, 1879; three-fifths being present.
- CHAP. 531.** An act to authorize the comptroller of the city of New York to pay the expense incurred by the common council of the city of New York, in the defense of certain members thereof against indictment for their official action. Passed June 19, 1879; three-fifths being present.
- CHAP. 532.** An act to amend chapter three hundred and seventy-four of the Laws of eighteen hundred and forty-eight, entitled "An act to organize and establish a recorder's court in the city of Oswego," and the acts amendatory or supplementary thereto. Passed June 19, 1879; three-fifths being present.
- CHAP. 533.** An act to define and punish disorderly conduct in the city of Kingston. Passed June 19, 1879; three-fifths being present.
- CHAP. 534.** An act for the preservation of moose, wild deer, birds, fish and other game. Passed June 20, 1879; three-fifths being present.

CHAP. 535. An act to establish school district number eleven in the town of Newtown, Queens county. Passed June 20, 1879; three-fifths being present.

CHAP. 536. An act to provide for a compilation and revisions of the Laws of the State of New York, affecting public interests in the city of New York. Passed June 20, 1879; three-fifths being present.

CHAP. 537. An act to confer additional powers and duties upon the executive board and the water works and fire board of the city of Rochester. Passed June 20, 1879; three-fifths being present.

CHAP. 538. An act to amend title three, chapter four of part second of the Revised Statutes, entitled "Of the interest of money." Passed June 20, 1879.

CHAP. 539. An act authorizing David W. Cook and his associates to improve the navigation of the canals of this State. Passed June 20, 1879; three-fifths being present.

CHAP. 540. An act to regulate the practice of dentistry in the State of New York. Passed June 20, 1879.

CHAP. 541. An act to amend chapter two hundred and eighty-two of the Laws of eighteen hundred and fifty-four, entitled "An act to amend the act, entitled 'An act to authorize the formations of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty." Passed June 20, 1879.

CHAP. 542. An act amending the Code of Civil Procedure. Passed June 20, 1879.

NOTE.—The essential parts of chapters 21, 179 and 399, regarding exemption from the operation of the Town Auditors' Act (chap. 180, Laws of 1875), will be found in the note to the act, *ante*, p. 81. As to the contents of chapters 35, 267 and 349, see note to chap. 53, Laws of 1880, *post*, p.

CONCURRENT RESOLUTIONS.

Relative to the resumption of specie payment. Passed January 23, 1879.

Relative to the furnishing of overcoats for the inmates of the Soldiers and Sailors' Home at Bath, Steuben county. Passed January 30, 1879.

Relative to the toll-sheet for 1879. Passed March 13, 1879.

To authorize the canal board to establish a toll-sheet for the Black River canal. Passed March 25, 1879.

Relative to the toll-sheet of the Black River canal. Passed April 4, 1879.

Relative to the distribution of the report of the State assessors. Passed April 16, 1879.

Relative to assessment and taxation. Passed May 9, 1879.

Relative to a survey and examination for a canal between Peconic and Shinnecock bays, in the county of Suffolk. Passed May 14, 1879.

Proposing amendments to section six of article ten, and sections two, five and six of article three of the Constitution, providing for biennial sessions of the Legislature. Passed May 15, 1879.

Directing the commissioners of the State survey to carry out certain suggestions of the governor relative to Niagara Falls. Passed May 19, 1879.

Relative to the distribution of the Civil List. Passed May 19, 1879.

Proposing to amend article seven of the Constitution. Passed May 22, 1879.

Proposing an amendment to article six of the Constitution. Passed May 20, 1879.

Relative to the appointment of a committee to visit and investigate the several county jails, penitentiaries and reformatories of this State. Passed May 22, 1879.

NAMES CHANGED.

CORTLAND COUNTY :

Effie May Place to Effie May Weeks.

KINGS COUNTY :

Geo. W. Niles to Winfield Scott Niles.
John Wetjen to John Moore.
Christopher Unrein to Christopher Vaurien.
Adolph Unrein to Adolph Vaurien.
James Softly to James Stanley.
Nathan Francis Backus to Nathan Francis Hampton.
Phebe Hampton Backus to Phebe Hampton.
William Henry Helfrich to William Henry Rich.
Michael Spiegelberg to Joseph Lane.
Jane Spiegelberg to Jane Lane.
Joseph Spiegelberg to Joseph Lane, Jr.
Charles W. D. Spiegelberg to Charles W. D. Lane.
Mary Jane Spiegelberg to Mary Jane Lane.
Elizabeth Spiegelberg to Elizabeth Lane.
Frederick Spiegelberg to Frederick Lane.
James Spiegelberg to James Lane.
Sarah Spiegelberg to Sarah Lane.
Grace Mary Otton to Grace Mary Richartz.
John Francis Otton to John Francis Richartz.
Alfred Otton to Alfred Richartz.
Michael Jackson to Edward Michael Jackson.
Henry Crabb to Henry Crabb Martense.
The Excelsior Base Ball Club of Brooklyn to The Excelsior Club.

NEW YORK COUNTY :

Ann Ord to Ann Greer.
Ludwig Rummel to Louis Brammer.
John Lecky to John James Paxton.
Ignatz Newman to Paul Bauer.
John Adams De Zavala to John De Zavala Adams.
Winthrop Walter Case to Winthrop Walter Richards.
Gustave Dexter Case to Gustave Dexter Richards.
Catherine Friedericke Katz to Catharine Friedericke Kaetz.
Carl Friederick Katz to Carl Friederick Kaetz.
Caroline Katz to Caroline Kaetz.
Charles Henry Katz to Charles Henry Kaetz.
Clara Louise Katz to Clara Louise Kaetz.
George Henry Katz to George Henry Kaetz.
Maggie Katz to Maggie Kaetz.

Francis Jones Vinton to Alfred Pierpont Edwards.
 Bernard Sandelawsky to Bernard Sands.
 Blanche Sandelawsky to Blanche Sands.
 Fannie Sandelawsky to Fannie Sands.
 Samuel Schwab to Samuel M. Schwab, Jr.
 Solomon Schwab to Solomon M. Schwab.
 Frederic Lane Crosby to Frederick Van Schoonhoven Crosby.
 William Henry Goodchild to Henry Lawrence Goodwin.
 Edward T. Slinn to Edward T. Bramman.
 Jackson M. Yawger to Edward D. Bassford.
 Mary C. Yawger to Mary C. Bassford.
 Alice B. Yawger to Alice Bassford.
 Emma Yawger to Emma Bassford.
 Zamiska Robinson to Zamiska De Ramille.
 Emil Gunzenhausen to Emil Gunsen.
 Levi Maturin Ballou to Maturin Ballou.
 Elizabeth Thompson to Lizzie Douglass.
 Mary Thompson to Mary Douglass.
 First Baptist Church in Harlem to Mount Morris Baptist Church,
 New York.

RENSSELAER COUNTY:

Emma A. Earing to Emma A. Brickner.
 Minnie Earing to Minnie Brickner.
 Louisa Pamela Westcott Livingston to Louisa Pamela Westcott
 Heartt.
 Charles Edward Livingston to Charles Edward Heartt.
 Harold Livingston to Harold Heartt.

ST. LAWRENCE COUNTY:

Charles Henry Johnson to Charles Henry Vary.

WESTCHESTER COUNTY:

George Askew to George Sniffen.



GENERAL STATUTES

OF THE

STATE OF NEW YORK,

PASSED AT THE

102d SESSION, 1879.

CHAP. 11.

AN ACT to provide for more completely equipping the National Guard of the State of New York. National Guards.

PASSED January 28, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to be expended by the commissary-general and chief of ordnance, to be approved by the commander-in-chief, in the purchase of overcoats, blouses, blankets, haversacks, canteens and equipments, as may be deemed necessary for the purpose of more completely equipping the National Guard of the State of New York. Appropriation for equipment.

§ 2. Before the said commissary-general shall be authorized to expend any of said appropriation, he shall give security for the faithful execution of the duties imposed by the first section of this act as provided by chapter two hundred and twenty-seven of the laws of eighteen hundred and forty-eight, in the sum of fifty thousand dollars. Security.

§ 3. Such overcoats, blouses, blankets, haversacks, canteens and equipments as may be issued to the various military organizations of this State, shall be kept, when not in actual use by such organizations, at the head-quarters thereof in lockers provided, or to be provided, therefor by the respective counties. Equipments how to be kept.

§ 4. This act shall take effect immediately.

CHAP. 23.

County
treasurers.

AN ACT further to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers."

PASSED February 14, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1877,
ch. 436.

SECTION 1. Section ten of chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers," is hereby further amended so as to read as follows:

§ 10. Nothing herein contained shall apply to the counties of Sullivan, Putnam, Greene, Monroe, Onondaga, Columbia, Seneca, Essex, Delaware, Courtland * and Queens.

§ 3. This act shall take effect immediately.

Ante, pp. 452 and 527; *post*, pp. 720, 956, 1101.

See note on page last mentioned. The above amendment consists of adding the last four counties.

CHAP. 24.

Violating
graves.

AN ACT to amend section thirteen of article three of title five of part four of the Revised Statutes, entitled "Of offenses against public decency."

PASSED February 14, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
§ R. S. 668,
§ 12.

SECTION 1. Section thirteen of article three of title five of chapter one of the fourth part of the Revised Statutes, is hereby amended so as to read as follows:

§ 13. Every person who removes the dead body of a human being, or any part thereof, from a grave, vault, or other place where the same has been buried, or from the place where the same has been deposited while awaiting burial, without authority of law, with intent to sell the same, or for the purpose of dissection, or for the purpose of procuring a reward for the return of the same, or from malice or wantonness, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the State prison for a term of not more than five years.

§ 2. This act shall take effect immediately.

The wrongful removal of a dead body was an indictable offense at common law. *Regina v. Sharp*, 7 Cox's C. C. 214; *Regina v. Feist*, Dears. & B. 160; *Regina v. Twiss*, 10 Best & S. 298.

It is an indictable offense in many of the States, *State v. Tate*, 6 Blackf. 111; *Com. v. Loring*, 8 Pick. 370; *Com. v. Marshall*, 11 id. 350. Even though such resurrection was in the interests of science and for purposes of dissection. *Com. v. Cooley*, 10 Pick. 37; 1 Russell on Crimes, 464.

One may be convicted of the offense though not actually present, if he was near with intent to aid if necessary. *State v. Tate*, 6 Blackf. 111.

Stealing the shroud or apparel from a dead body was felony at common law. 1 Hale's P. C. 515; 1 Russell on Crimes, 629; 3 Dane's Abr. 18.

Ante, vol. 2, p. 710.

CHAP. 28.

AN ACT to enlarge the powers of commissioners appointed New York.
to ascertain and appraise compensation to be made in proceedings under chapter four hundred and forty-five of the laws of eighteen hundred and seventy-seven, relative to increasing the supply of water for the use of the city of New York.

PASSED February 17, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners appointed or to be appointed in any proceeding under chapter four hundred and forty-five of the laws of eighteen hundred and seventy-seven, relative to increasing the supply of water for the use of the city of New York, in which proceeding more than one claim is embraced, may conduct their examination as to any one of such claims at such time or times as shall seem best to them, and they may in their discretion postpone the ascertainment or determination of the compensation to be made on such claim, until any time prior to the final termination of the proceedings, and they may in their discretion proceed to the ascertainment or determination of the compensation to be made on any one of such claims, notwithstanding the fact that the examination and consideration of some other claim or claims are still pending, open and undetermined; and such action on the part of the commissioners in any proceeding now pending is hereby ratified and confirmed.

Proceedings of commissioner authorized to acquire property for increasing water supply.

§ 2. The commissioners referred to in the first section of this act, in any proceeding in which more than one claim is embraced, at any time in the course of such proceeding, may, in their discretion, take up any specified claim or claims, and finally ascertain and determine the compensation to be made thereon, and make a separate report with reference thereto, which report shall, as to the claims therein specified, be the report required in the act aforesaid, and the subsequent action with reference thereto shall be had in the same manner as though no other claim were embraced in such proceeding, which, however, shall continue as to all claims upon which no such separate determination and report is made.

Separate report on several claims.

§ 3. The commissioners appointed in the proceeding under the act aforesaid, to take lands and extinguish rights at lakes Mahopac and Kirk, and on the Muscoot river in Putnam and Westchester counties, may, as to any claim or claims embraced in such proceeding, award compensation for the absolute and entire exercise, by the city of New York, of the rights which may be acquired under the act aforesaid, or they may provide for such modified and restricted exercise of such right as shall be specified in their report, and may award therefor a modified compensation which may be so indicated in their report, and the payment by the said city of such modified compensation shall entitle it only to the exercise of such modified right; provided, that the determination heretofore made, as to the limits of elevation and depression, shall not be altered or reconsidered, but such limits shall remain fixed and unalterable.

Award may be for absolute or modified rights.

§ 4. The commissioners referred to in the third section of this act may also proceed to the ascertainment and determination of the com-

Submission of claims.

pensation to be made to any person or persons whose claim may be submitted to them by the written consent, both of such person and of the commissioner of public works of the city of New York, and from the filing of such consent with the said commissioners they shall proceed with reference to such claim in the same manner as though it were embraced within the original petition.

§ 5. This act shall take effect immediately.

Ante, p. 455.

CHAP. 31.

Highways. AN ACT to enable such towns in this State as have altered the manner of working and repairing the highways from the system provided for in article second and article third of chapter sixteen, title one, part one of the Revised Statutes, to the system provided for by chapter three hundred and ninety-five of the laws of eighteen hundred and seventy-three, to return to the system provided for in said first named act.

PASSED February 20, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Authorizing return to former system of repairs.

SECTION 1. Any town in this State which has changed the manner of working and repairing the highways therein, from the system provided for in article second and article third of chapter sixteen, title one, part one of the Revised Statutes, to the system provided for in chapter three hundred and ninety-five of the laws of eighteen hundred and seventy-three, may return to the system provided for in said article two and article three of chapter sixteen, title one, part one of the Revised Statutes by complying with the provisions of this act.

How return effected.

§ 2. Upon the written application of twenty tax payers of any such town, it shall be the duty of the justices, or other officers who preside at the town election of any such town, to submit to the electors, and the electors of any such town may vote at the next regular annual town meeting upon the question of returning to the said former system of working and repairing the highways, such vote shall be by ballot, upon which shall be written or printed respectively: "for returning to the system of working and repairing the highways provided for in article second and article third of chapter sixteen, title one, part one of the Revised Statutes," and "against returning to the system of working and repairing the highways provided for in articles second and article third of chapter sixteen, title one, part one of the Revised Statutes." The ballots shall be deposited in a separate box by themselves, be counted by the inspectors of election, or other officers presiding at such town election, and if a majority of the electors shall vote in favor of returning to said former mode, the town voting therefor may avail itself of the privileges of this act, and of said article second and article third of chapter sixteen, title one, part one of the Revised Statutes, upon causing a minute of its action to be entered by the town clerk in the town records.

Vote of town.

Ballot.

Result.

§ 3. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 4. This act shall take effect immediately.

For the manner of working highways provided by the Revised Statutes, see 1 R. S. pp. 506-512; *ante*, vol. 1, pp. 462-471.

For the manner provided by Laws of 1878, see *ante*, vol. 9, p. 601, as amended in 1875, *ante*, p. 116.

CHAP. 33.

AN ACT to authorize the corporation of the city of New York to sell certain lands to the United States, and ceding jurisdiction thereof.

PASSED February 20, 1879 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners of the sinking fund of the city of New York are hereby authorized to sell to the United States, upon such terms, and for such consideration, as may be agreed upon by and between said commissioners of the sinking fund and the authorities of the United States, so much of the land situated in and belonging to the corporation of said city, and immediately adjoining the northerly side or boundary of the land heretofore conveyed by the mayor, aldermen and commonalty of the city of New York to the United States, for a site for a post-office, as is now covered by two sidewalks, each one hundred and three feet and six inches in length, by nineteen feet two inches in width, with a paved passage-way between eleven feet and eleven inches in width, making a total area of two hundred and eighteen feet and eleven inches in length by nineteen feet and two inches in width. Whenever said land shall have been sold pursuant to the authority hereby given, it shall be the duty of the commissioners of the sinking fund, or a majority of them, to give a certificate under their hands that the same has been sold pursuant to the provisions of this act ; and upon the production of such certificate, and upon proof of due compliance on the part of the United States with the terms of sale, it shall be the duty of the mayor of said city, and the clerk of the common council, in the name and on behalf of the said mayor, aldermen and commonalty, to execute a proper conveyance of such lands under their hands and the seal of said city.

Commissioners of sinking fund authorized to sell certain land to United States.

Certificate of sale.

Mayor, etc., to execute deed.

§ 2. The consent of the State of New York is hereby given to the purchase by the United States of any land that may be sold under the provisions of this act, and the jurisdiction of the State of New York in and over any lands so sold is hereby ceded to the United States subject to the restrictions hereinafter mentioned.

Consent of State and cession of jurisdiction.

§ 3. Said consent is given and the said jurisdiction is ceded, upon the express conditions, that the State of New York shall retain a concurrent jurisdiction with the United States in and over the said land, so far as that all civil or criminal process, which may issue under the laws or authority of said State, may be executed therein in the same manner as if such consent had not been given, or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

Concurrent jurisdiction of State.

§ 4. The jurisdiction hereby ceded shall not vest in any respect to said lands until the United States shall have acquired the title thereto.

When jurisdiction to vest.

§ 5. The said land acquired under the provisions of this act shall be, and continue forever thereafter exempted and discharged from all

Exempt from taxation.

taxes, assessments, and other charges which may be levied or imposed under the authority of this State, but the jurisdiction hereby ceded, and the exemption from taxation hereby granted, shall continue in respect to said land, so long as the same shall remain the property of the United States, and be used for public purposes, and no longer.

§ 6. This act shall take effect immediately.

CHAP. 45.

State
Lunatic
Asylum.

AN ACT to amend chapter one hundred and thirty-five of the laws of eighteen hundred and forty-two, entitled "An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane."

PASSED February 25, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws 1842,
ch. 136, § 47.

SECTION 1. Section forty-seven of chapter one hundred and thirty-five of the laws of eighteen hundred and forty-two, entitled "An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane," is hereby amended so as to read as follows:

Expenses
of mana-
gers.

§ 47. Hereafter the managers of the State Lunatic Asylum shall receive no compensation for their services, but shall receive their actual expenses of traveling from their places of residence to and from the asylum to attend the meetings of the managers and their expenses while attending such meetings. Statements of such expenses, duly verified, shall be presented to the comptroller of the State, and it shall be his duty to approve the same if correct, and state such approval in writing, and in that event, on the presentation of such statement to him, the treasurer of the asylum shall pay the same.

§ 2. This act shall take effect immediately.

Ante, vol. 4, p. 28.

CHAP. 59.**AN ACT in regard to recognizances in criminal cases.**

PASSED March 1, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever the district attorney of any county shall, in writing and under oath, represent to a justice of the supreme court, or a county judge of the county in which an indictment has been found, that he verily believes the bail upon, in, or taken upon any recognizance, or bond by a defendant in any indictment are insufficient, and that he fears that unless the defendant is arrested he may escape, the said justice of the supreme court or county judge may issue a warrant, in the usual form of a bench warrant, for the arrest of said defendant, directed to any officer authorized to serve the same, and said defendant may be arrested upon and by virtue of said warrant and brought before said justice of the supreme court or county judge. If after investigation such justice or judge shall deem the bail sufficient, he shall discharge said defendant. If after investigation he shall find said bail insufficient, the defendant may give new bail in the same manner and with the same force and effect as if no bail had been given. If such defendant shall neglect or omit to give such new bail, said justice of the supreme court or county judge shall by warrant commit said defendant to the county jail of the county in which the indictment was found, until he shall give proper and sufficient bail as required by law, or be otherwise legally discharged.

When and how further bail may be required in criminal cases.

§ 2. This act shall take effect immediately.

CHAP. 62.

AN ACT to amend chapter nine hundred and seven of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads."

Municipal aid to railroads.

PASSED March 5, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter nine hundred and seven of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads," is hereby amended by adding thereto the following section :

Amending Laws 1869, ch. 907.

§ 12. It shall be the duty of the treasurer (or other proper officer of every municipal corporation), named in section six of the act hereby amended, to invest all moneys, interest, dividends and percentages by him received and therein declared to be a sinking fund, in the manner

directed by section four of said act as amended by chapter seven hundred and eighty-nine of the laws of eighteen hundred and seventy; and in every annual report to be made by him to fully set forth under the head of "railroad sinking fund," the manner and character of said investment and the condition of said funds.

Ante, vol. 3, p. 617; vol. 7, pp. 517 and 781.

CHAP. 67.

Highways
and
bridges.

AN ACT to amend an act entitled "An act in relation to the disposition and application of moneys raised and collected in the towns of this State for highway and bridge purposes," passed June first, eighteen hundred and seventy-eight.

PASSED March 7, 1879; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1878,
ch. 377.

SECTION 1. Section one of an act entitled "An act in relation to the disposition and application of moneys raised and collected in the towns of this State for highway and bridge purposes," passed June first, eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

Moneys to
be paid to
commis-
sioners.

Supervi-
sors to
issue war-
rant to
that effect.

This act
not to
limit
power to
raise
money
under
Laws 1869,
ch. 855, § 2.

§ 1. All moneys raised and collected upon the taxable property of any of the towns of this State, for highway and bridge purposes, shall be paid over by town collectors of taxes to the commissioners of highways of the towns in which said moneys are so raised and collected, and to no other officer or person whatsoever. It shall be the duty of the board of supervisors to issue warrants to the collectors of towns requiring the paying over by them of all moneys raised and collected, for highway and bridge purposes, to the commissioners of highways of towns; and it shall not be lawful for the board of supervisors of any county to issue warrants to town collectors directing them to pay over any moneys raised and collected upon any town for highway and bridge purposes, to the village authorities of any incorporated village, situated wholly or partly in any town. But nothing in this act shall prevent boards of supervisors from raising money under section two of chapter eight hundred and fifty-five of the laws of eighteen hundred and sixty-nine and from issuing warrants to collect the necessary money to repay the same. And said boards of supervisors may appoint a commissioner or commissioners to spend and account for any moneys raised for road or bridge purposes under said chapter eight hundred and fifty-five of the laws of eighteen hundred and sixty-nine, under such regulations as said board shall deem proper.

§ 2. This act shall take effect immediately.

Chap. 855, § 2, Laws 1869, *ante*, vol. 7, p. 486, confers on boards of supervisors power to provide for use of abandoned turnpikes, plank roads, etc.; for location, erection, repair or purchase of bridges, except over navigable streams; for apportioning expenses of public roads and bridges upon towns, and for the borrowing of money by towns for the foregoing purposes.

Ante, p. 642.

CHAP. 68.

AN ACT to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office. Village elections.

PASSED March 7, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. No election of trustees of villages heretofore held in any year since the year eighteen hundred and seventy-four, pursuant to an act entitled "An act to provide for the incorporation of villages," passed April twentieth, eighteen hundred and seventy, and the acts amendatory thereof, shall be invalid on account of the failure of the electors, at such election, to designate, in their ballots, the respective terms of office of the persons voted for, for trustees; but the persons for whom a majority of the votes shall have been cast for trustees, shall be deemed to be the duly elected trustees of such village for the year for which such election was held; and such trustees shall, at least ten days before the time for the next annual election of trustees for such village, meet, with the president of such village, and the said president shall, in the presence of such trustees, determine by lot which of said trustees shall have been elected for one year and which of them for two years. The terms of office of the first class shall expire on the expiration of one year from the day they took office, and the terms of office of the second class on the expiration of two years from the day they took office. If the number of trustees is three, or any other odd number, the smaller number shall serve for two years and the larger number for one year. The president shall make and file in the office of the clerk of such village a certificate stating the names of such trustees and the term of office of each as so determined.

Elections for trustees not to be invalid for failure to designate terms.

Terms, how to be determined.

§ 2. This act shall take effect immediately.

Ante, vol. 7, p. 681.

CHAP. 71.

AN ACT relating to actions brought by the mayor, aldermen and commonalty of the city of New York, to recover penalties for violations of corporation ordinances and the collection thereof. New York

PASSED March 11, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All actions which may hereafter be brought or commenced by or on behalf of the mayor, aldermen and commonalty of the city of New York, to recover a penalty or fine for a violation of any corporation ordinance, where the amount of such penalty or fine shall not exceed the sum of two hundred and fifty dollars, must be brought in a district court in the city of New York, held in the judicial district in which the violation of such corporation ordinance happened or

Actions for penalties.

occurred, and the justice of the same judicial district may direct any of the city marshals to collect the payment and make return, in the same manner as now provided by law.

Repeal.

§ 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

See Co. Civ. Proc., § 8215.

CHAP. 86.

Villages-

AN ACT to amend chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five, entitled, "An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof."

PASSED March 18, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1875,
ch. 181.

SECTION 1. Section two of chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof," is hereby amended so as to read as follows:

Water
commis-
sioners.

§ 2. For the purpose of this act, said authorities are hereby defined to be, in villages, the president and trustees thereof. The terms of office of said commissioners shall respectively continue for the terms for which said authorities shall be, or shall have been respectively elected.

§ 2. This act shall take effect immediately.

Amended by substituting "president and trustees" for "board of trustees."

Ante, p. 78.

CHAP. 87.

Clams,
oysters
and shell
fish.

AN ACT to amend section one, chapter three hundred and two, laws of eighteen hundred and seventy-eight, entitled "An act in relation to the taking of clams, oysters and shell-fish within the waters of this State, and dredging for the same."

PASSED March 17, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
Laws 1878,
ch. 302.

SECTION 1. Section one of chapter three hundred and two of the laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

Non-resi-
dents not
to gather.

§ 1. It shall not be lawful for any person or persons who shall not have been actual residents and inhabitants of the State of New York for the period of six months, to rake or gather clams, oysters or shell-

fish, either on their own account and for their own benefit, or on account of or for the benefit of their employers, in any of the rivers, bays or waters of this State, on board of any canoe, flat, scow, boat or other vessel; but the provisions of this section shall not be so construed as preventing any person who shall have been an actual resident and inhabitant of this State for a period of six months, from employing any person or persons to rake or gather clams, oysters and shell-fish, for the use and benefit of said person so having been for the period of six months an actual resident and inhabitant of this State.

§ 2. This act shall take effect immediately.

Ante, p. 617.

CHAP. 92.

AN ACT authorizing the adjutant-general to use for the benefit of other military organizations any and all moneys remaining in the hands of any of the county treasurers of the State to the credit of disbanded organizations of the national guard.

National
Guards.

PASSED March 20, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The adjutant-general is hereby authorized and empowered to draw, use and apply to the benefit of the national guard any and all moneys and balances remaining in the hands of the several county treasurers of this State, to the credit of any organizations of the national guard which have been disbanded.

Moneys ac-
credited to
disbanded
organiza-
tions.

§ 2. The several county treasurers of the State are authorized and directed to pay to the adjutant-general, upon his order, all moneys remaining in their hands to the credit of any disbanded organization of the national guard. The certificate of the adjutant-general shall be sufficient evidence of the disbandment of any such organization.

County
treasurers
to pay to
adjutant-
general.

§ 3. This act shall take effect immediately.

CHAP. 93.

AN ACT accepting sovereignty and jurisdiction over a portion of the State of Vermont, ceded to the State of New York in the year eighteen hundred and seventy-six.

Ceded
territory.

PASSED March 20, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sovereignty and jurisdiction over "all that portion of the town of Fair Haven, in the county of Rutland and State of Vermont, lying westerly from the middle of the deepest channel of Poultney river, as it now runs, and between the middle of the deepest channel of said river and the west line of the State of Vermont, as at present established," as the same is described in an act of the legislature of the State of Vermont, entitled "An act annexing that portion of the town of Fair Haven, lying west of Poultney river, to the State of New York," and approved by the governor of said State of Vermont, November twenty-seventh, eighteen hundred and twenty-six, and the cession of the same to the State of New York is hereby accepted by the State of New York.

Jurisdic-
tion of
territory
ceded by
Vermont.

§ 2. This act shall take effect when the congress of the United States shall consent to such cession and annexation.

When to
take effect

CHAP. 101.

Summary
proceed-
ings.

AN ACT to amend section twenty-eight of article two of title ten of chapter eight of part three of the Revised Statutes, relating to summary proceedings to recover the possession of land.

PASSED March 22, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
2 R. S. 518
(3 Edm.
529).

What ten-
ants may
be re-
moved.

SECTION 1. Section twenty-eight of article two of title ten of chapter eight of part three of the Revised Statutes is hereby amended so as to read as follows:

§ 28. Any tenant or lessee at will, or at sufferance, or for any part of a year, or for one or more years, of any houses, land or tenements, and the assigns, under-tenants or legal representatives of such tenant or lessee, may be removed from such premises by any judge of the county courts of the county, or by any justice of the peace of the city or town where the premises are situated, or by any justice of the peace of the town adjoining the town where such premises are situated, having an office in a village the corporate limits of which include a portion of both of said towns, or by any mayor or recorder of the city where such premises are situated, or in the city of New York, by the mayor, recorder, any justice of the marine court, or any one of the justices of the district courts of the city of New York, in the manner hereinafter prescribed in the following cases:

In case of
holding
over.

1. Where such person shall hold over and continue in possession of the demised premises, or any part thereof, after the expiration of his term, without the permission of the landlord.

Default in
paying
rent.

2. Where such person shall hold over, without such permission as aforesaid, after any default in the payment of rent, pursuant to the agreement under which such premises are held, and a demand of such rent shall have been made or three days' notice in writing, requiring the payment of such rent, or the possession of the premises, shall have been served by the person entitled to such rent, on the person owing the same, in the manner prescribed for the service of the summons in the thirty-second section of this title.

Taken
benefit of
insolvent
act.

3. Where the tenant or lessee of a term of three years, or less, shall have taken the benefit of any insolvent act, or been discharged under any act for the relief of his person from imprisonment during such term.

Land sold
on execu-
tion.

4. Where any person shall hold over and continue in possession of any real estate which shall have been sold pursuant to the foreclosure of a mortgage thereon, or by virtue of an execution against such person, after a title under such sale shall have been perfected.

Holding
over land
worked on
shares.

5. When any person shall hold over and continue in possession of any real estate occupied or held by him under an agreement with the owner to occupy and cultivate the same upon shares or for a share of the crops, after the expiration of the time fixed in the agreement for such occupancy, without the permission of the other party to said agreement, his heirs, or assigns.

Proceedings for non-payment of rent, 9 Wend. 227; 14 'Id. 172; 15 'Id. 226, 665; 17 'Id. 464; 20 'Id. 103, 189; 21 'Id. 537; 22 'Id. 611; 1 Bosw. 645; 6 Rob. 354; 1 Daly. 449; 12 Hun. 67; 33 Barb. 46; 42 'Id. 96; 43 'Id. 116; 50 'Id. 231; 9 N. Y. 237; 66 'Id. 385; 16 How. 449, 461; 12 Abb. 303; 15 'Id. 432. For holding over, 5 Wend. 281; 11 'Id. 22, 616; 20 'Id. 207; Hill & D. 236; 3 Sandf. 662; 1 Barb. 65; 16 'Id. 621; 43 'Id. 168; 9 N. Y. 85; 16 'Id. 567; 38 'Id. 451; 5 How. 81; 11 'Id. 62; 19 'Id. 20; 21 'Id. 108; 22 'Id. 123; 23 'Id. 456; 30 'Id. 63.

The above statute re-enacts the amendments made by chs. 206 and 471, Laws of 1874 (*ante*, vol. 9, pp. 874 and 961). The section of the R. S. thereby amended was repealed by chap. 245 of 1880, sec. 1, subd. 3 (*post*, p. 958), and also all acts amending the same (*id.* sec. 2). See Co. Civ. Proc., secs. 2231, 2232, 2234, etc., 11 N. Y. W. Dig. 112, *People ex rel. v. McAdams*, sec. 1, ch. 187, L. 1877, is not repealed by above act. See *People ex rel. v. Campbell*, 11 N. Y. W. Dig. p. 124.

CHAP. 102.

AN ACT to amend chapter four hundred and eighty-four of the laws of eighteen hundred and sixty-two, entitled "An act in relation to the courts in the city and county of New York," passed April twenty-fourth, eighteen hundred and sixty-two, as amended by chapter five hundred and sixty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to amend sections eleven, fourteen and fifteen of chapter four hundred and eighty-four of the laws of eighteen hundred and sixty-two, and to confer additional powers on the marshals of the city of New York."

Courts in
New York.

PASSED March 22, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fourteen of chapter four hundred and eighty-four of the laws of eighteen hundred and sixty-two, entitled "An act in relation to the courts in the city and county of New York," passed April twenty-fourth, eighteen hundred and sixty-two, as amended by chapter five hundred and sixty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to amend sections eleven, fourteen and fifteen of chapter four hundred and eighty-four of the laws of eighteen hundred and sixty-two, and to confer additional powers on the marshals of the city of New York," is hereby amended so as to read as follows:

Amending
Laws 1862,
ch. 484, as
amended
by Laws
1864, ch.
569.

§ 14. Every summons, warrant, attachment or other process issued by or out of any of said district courts, or by any justice thereof, and every summons issued by the clerk of said district court and every summons issued by any justice thereof in any proceeding, whether summary proceedings to dispossess tenants or otherwise, shall be served and executed by the marshal of said city, except that the justice of the court wherein the action is commenced, may depute some competent person to serve the summons and complaint in any such action; but the person so deputed to serve such summons and complaint shall not be entitled to any fees or other compensation therefor, except the persons who serve process for the corporation attorney in the city of New York.

Process, by
whom to
be served.

See Co. Civ. Proc., secs. 2239, 3208, 3211.

CHAP. 106.

AN ACT for the improvement of the Hudson river and to make an appropriation therefor.

Hudson
river.

PASSED March 22, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of removing obstructions in and improving the navigation of the Hudson river at and between the city of Troy and the town of Coxsackie, by deepening and widening the navigable channel

Appropriation
for
improving.

of said river, so as to secure, between the State dam and the railroad bridge at Troy, a channel sixty feet wide, with a depth of five feet of water at low tide, and from thence to the lower railroad bridge at Albany, a channel one hundred and twenty-five feet wide, with a depth of eight feet of water at low tide, and from thence to the town of Coxsackie, a channel one hundred and fifty feet wide, with a depth of ten feet of water at low tide.

Work, how
done.

§ 2. The work shall be done under the direction of the State engineer and surveyor, and all payments therefor shall be made only upon the sworn statements or estimates of engineers based upon actual measurement of the work done; and the expense of engineering and mapping necessary for the work, unless otherwise provided for, shall be paid out of this appropriation.

Payments.

§ 3. The treasurer shall pay to the parties entitled to receive the same, upon the warrants of the comptroller, all drafts of the State engineer and surveyor (when accompanied by the sworn statements or engineer's estimates to be filed therewith), drawn upon said appropriation, and not exceeding, in the aggregate, the sum hereby appropriated.

§ 4. This act shall take effect immediately.

CHAP. 107.

AN ACT relating to rural cemetery associations.

PASSED March 22, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Change of
certificates
of indebtedness
into certificates
of stock.

SECTION 1. Any rural cemetery association duly incorporated under the act entitled "An act authorizing the incorporation of rural cemetery associations," passed April twenty-seventh, eighteen hundred and forty-seven, and the acts amending the same, which shall have issued, or which may hereafter issue, certificates of indebtedness, pursuant to the provisions of chapter one hundred and sixty-three of the laws of eighteen hundred and sixty, entitled "An act to amend the act entitled an act authorizing the incorporation of rural cemetery associations, passed April twenty-seventh, eighteen hundred and forty-seven," may change such certificates of indebtedness, or any part thereof, into certificates of stock, by and with the consent of two-thirds of the trustees of the said rural cemetery association issuing the same, and the consent of the person or persons holding the said certificates of indebtedness, which change shall be effected in the manner following, that is to say: The board of trustees of any such corporation desiring to make the change authorized by this act by a vote of not less than two-thirds of all the trustees elected, shall adopt a resolution expressing the desire and willingness of the said corporation to receive and accept a surrender of the outstanding certificates of indebtedness issued by the said corporation, and to issue certificates of stock therefor in shares of the par value of twenty-five dollars each, or some multiple thereof, which resolution shall be entered at length in the book of minutes kept by the said board of trustees, whereupon the person or persons holding the certificates of indebtedness referred to in the said resolution may surrender and yield up the same to the said corporation to

How
effected.

be canceled and destroyed, and thereupon the said trustees shall have power to issue and deliver to such person or persons certificates of stock in shares of twenty-five dollars each, or some multiple thereof, to an amount corresponding with the amount of the certificates of indebtedness so surrendered. And from thenceforth no interest shall accrue or become payable to the holders of such stock, but in lieu of interest the holders of the said stock shall be entitled to claim and receive semi-annually a dividend for their proportional part of the surplus or net receipts of the said cemetery, over and above current expenses, if any surplus shall remain after the payment of such current expenses. Interest.

§ 2. The certificates of stock hereby authorized to be issued shall be sealed with the corporate seal of the association, and signed by the president or vice-president and treasurer thereof. Such stock shall be deemed personal property, and shall be transferable only on the books of the said association upon the surrender of the certificate thereof (unless otherwise provided on the face of such certificate), and upon every such surrender a new certificate for the stock surrendered shall be issued to the party to whom the said stock shall have been transferred, and the holders of the said stock shall be entitled in person or by proxy, to one vote for every share thereof, at the annual election for trustees and at other business meetings of the said corporation. Certificates to be signed and sealed.
Transfer of.

§ 3. The trustees shall keep a register or record of the stock issued by the said corporation, showing the date of issue, the number of shares, the par value thereof, and the name or names of the person or persons to whom the same shall be issued, and the number of the certificate therefor, and all transfers of such stock shall be noted and entered in the said register or record, and the certificates surrendered shall be deemed canceled by the issue of a new certificate, and such surrendered certificate shall be destroyed. Register of stock.

§ 4. Nothing in this act contained shall be construed to create a lien upon lots or plots belonging to individual proprietors within the cemetery limits, nor any other or greater liability against the association or trustees issuing such stock, than may be necessary to enforce the faithful application of the surplus or net receipts of the said cemetery to and among the holders of the said stock in manner aforesaid; provided, however, that any trustee of such corporation may become the holder or transferee of such stock for his own individual use or benefit. Not to create lien on lots.
Extent of liability.
Trustee may hold stock.

§ 5. This act shall take effect immediately.

Ante, vol. 3, pp. 745-758.

CHAP. 108.

AN ACT to amend chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations." Rural cemetery associations.

PASSED March 22, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The seventh section of chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations," is hereby amended so as to read as follows: Amending Laws 1847, ch. 133.

Lots to be
indivisi-
ble.

When may
be altered.

Proceeds
of sales,
how ap-
plied.

Agree-
ments as
to land.

Prices for
lots.

§ 7. All lots or parts of lots or plats which shall be conveyed by the association as a separate lot or plat, shall be indivisible, but may be held and owned in undivided shares; but any lots or plats and parts of lots or plats remaining unsold, and in which there shall have been no interment, may, by order of the trustees, be resurveyed, enlarged, subdivided or altered in shape or size, and designated by numbers or otherwise on any map or maps which may be filed and kept pursuant to the fourth section of this act: One-half at least of the proceeds of all sales of lots or plats shall be first appropriated to the payment of the purchase-money of the lands acquired by the association until the purchase-money shall be paid, and the residue thereof to preserving, improving and embellishing the said cemetery grounds and the avenues or roads leading thereto, and to defraying the incidental expenses of the cemetery establishment, and after the payment of the purchase-money and the debts contracted therefor, and for surveying and laying out the land, the proceeds of all future sales shall be applied to the improvement, embellishment and preservation of such cemetery and for incidental expenses, and to no other purpose or object unless expressly authorized by law. Associations formed under this act may also agree with the person or persons from whom cemetery lands shall be purchased to pay for such lands, as the purchase-price thereof, any specified share or portion not exceeding one-half the proceeds of all sales of lots or plats made from such lands, in which case the share or portion of such proceeds so agreed upon, not exceeding one-half thereof, shall be first appropriated and applied to the payment of the purchase-money of the land so acquired, and the residue thereof shall be appropriated to preserving, improving and embellishing the said cemetery grounds, and the avenues, paths and roads therein and leading thereto, and to defraying the incidental expenses of the cemetery establishment. In all cases where cemetery lands shall be purchased and agreed to be paid for in the manner hereinbefore provided, the prices for lots or plats specified in the by-laws, rules and regulations first adopted by such associations, shall not be changed without the written consent of a majority in interest of the persons from whom the cemetery lands were purchased, their heirs, representatives or assigns.

§ 2. This act shall take effect immediately.

Ante, vol. 3, pp. 745, 751.

CHAP. 109.

Fiscal
year of
State insti-
tutions.

AN ACT to establish the fiscal year of State charitable eleemosynary and reformatory institutions.

PASSED March 22, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Fiscal year
to begin
October
1st, and
end Sep-
tember
30th.

SECTION 1. The fiscal year of all State asylums, hospitals, charitable and reformatory institutions in this State shall commence on the first day of October in each year, and close on the thirtieth day of September inclusive next succeeding, and the annual reports of said institutions heretofore required for the use of government, shall be made for the fiscal year as herein established; provided, however, that the first report made by any of said institutions, after the passage of this act,

shall be for the period commencing with the commencement of its fiscal year as heretofore established to and including the thirtieth day of September, eighteen hundred and seventy-nine.

§ 2. All acts inconsistent with this act are hereby repealed.

CHAP. 117.

AN ACT to amend chapter one hundred and twenty-two of the laws of eighteen hundred and fifty, entitled "An act to amend the act entitled 'An act to provide for the incorporation of religious societies,' passed April five, eighteen hundred and thirteen, and the several acts amendatory thereof." Religious societies.

PASSED March 27, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and twenty-two of the laws of eighteen hundred and fifty, entitled "An act to amend the act entitled 'An act to provide for the incorporation of religious societies,' and the several acts amendatory thereof," is hereby amended so as to read as follows: Amending Laws 1850, ch. 122 (3 Edm. 702).

§ 2. Whenever any religious corporation incorporated under the "Act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, or by any special charter, shall deem it necessary or expedient for the accommodation of its members in consequence of their number or dispersed habitations or otherwise, to increase the facilities of public worship, the vestry or trustees thereof may purchase and hold grounds in the same village, town or city, and may erect thereon suitable associate houses or churches, or convenient chapels, and also at the same time or thereafter, purchase and hold other grounds for the purpose, and erecting thereon suitable school-houses for Sunday or parochial schools of the said associate meeting-houses, or churches, or chapels, or may hire or purchase and hold any such grounds, with suitable buildings already erected thereon for the like purpose, notwithstanding any restriction contained in the said act, or in any such charter; and the persons statedly worshipping in any such associate meeting-house or church, or in said chapel, may, with the consent of the vestry or trustees of said corporation, be separately organized and incorporated, and when so separately organized and incorporated, it shall be lawful for the primary or parent corporation to grant, demise, and convey, to the new corporation so organized and incorporated, the grounds so purchased, with the aforesaid associate meeting-houses or churches, or chapels erected thereon with or without consideration and subject to such conditions and reservations not forbidden by law as the trustees of the said primary or parent corporation may deem best. Provided only that such demise, grant, or conveyance shall be made in the manner now prescribed by law for the sale or mortgage of the real estate of religious corporations. May increase facilities for public worship.

§ 2. This act shall take effect immediately.

Ante, vol. 3, pp. 687, 702. The amendment consists in adding the portion beginning with the words "and when so separately organized and incorporated," etc.; see, also, vol. 7, p. 141.

CHAP. 119.

New York. AN ACT to amend chapter one hundred and eighty-six of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter seven hundred and forty-two of the laws of eighteen hundred and seventy-one, entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire-alarm telegraph, the incumbrance of hydrants and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city.'"

PASSED March 28, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 186,
Laws 1877. SECTION 1. Chapter one hundred and eighty-six of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter seven hundred and forty-two of the laws of eighteen hundred and seventy-one, entitled 'An act in relation to storage and the keeping of combustible material in the city of New York, the use and control of the fire-alarm telegraph, the incumbrance of hydrants, and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain powers and duties upon the board of fire commissioners of the said city,' " is hereby amended so as to read as follows :

RELIEF FUND.

Fines, re-
wards, li-
cense fees,
etc., to
constitute
relief
fund. § 14. All fines imposed by the board of commissioners of the fire department in the city of New York, upon members of the fire department force, by way of discipline, and collectible from pay or salary, and all rewards in money, fees, gifts and emoluments that may be paid or given for account of extraordinary services by any member of said force (except when allowed to be retained by said member, or given to endow a medal, or other permanent or competitive reward), and all proceeds of suits for penalties under this act, and all license fees payable under the same, or under the law with the execution of which the fire department is now or may hereafter be charged, shall be received by the treasurer of the said board for the time being, and applied by him for the purposes of the trust fund hereinafter created. The commissioners of the fire department in the city of New York for the time being, and their successors in office, are hereby created and declared to be the trustees of the fund to be known as "the New York fire department relief fund," and the treasurer of the said board, for the time being, who shall be the treasurers ex officio of said relief fund, shall receive all moneys applicable to the same, and deposit the same as such treasurer of such relief fund, to the credit of such relief fund in a savings bank to be selected by said trustees, and continue to receive and deposit funds applicable to the same as received, to the credit of said fund, or to invest the same on bond and mortgage on improved property worth twice the amount loaned, or in public stocks, as said trustees may deem most advantageous for the object of such fund ; and said trustees are empowered to make all necessary contracts,

Trustees
of fund.

Treasurer.

Control of
funds.

and to take all necessary remedies in the premises. And the said treasurer of the said relief fund shall receive from the treasurer of the relief fund of the metropolitan fire department the amounts of money to the credit of that fund, and apply the same to the purposes of the fund herein created. And the said trustees, for and on behalf of the uses and purposes of said fund, shall be entitled to receive, and there shall be paid to them all duties, taxes, allowances, fines, penalties and fees to which the fire department of the city of New York, as at any time heretofore established, has been or is entitled, and the said trustees may take, by gift, grant, demise or bequest, any money, real or personal property, rights of property, or other valuable thing, the annual income of which shall not exceed thirty thousand dollars in the whole; and if, in any year, when the condition of the said relief fund shall render it, in the judgment of the said trustees, necessary, the board of fire commissioners may receive from the authorities of the city of New York a sum of not exceeding five thousand dollars, to be included in the annual estimate of the board, and drawn and collected by them in like manner as the other moneys applicable to their expenses; and such amounts so obtained shall, in like manner, be paid to and applied by the treasurer to the use of said fund, by deposit or investment as hereinbefore provided, as the trustees thereof shall direct; provided that the sum of two hundred thousand dollars, which may be received and accumulated under the provisions of this act, shall be reserved and retained as a permanent fund, the annual income of which may be made available for the use and purposes of said relief fund. The said treasurer of the relief fund hereby created shall execute a bond for the faithful performance of his duties, in like manner as his present official bond is drawn, executed and filed, and in such penal sum as the said board of commissioners shall direct. The board of fire commissioners shall have the power by a unanimous vote to retire from all service in the said fire department, or to relieve from service at fires, any officer or member of the uniformed force of the said department who may, upon an examination by the medical officer, ordered by the said fire commissioners, be found to be disqualified, physically or mentally, for the performance of his duties; and the said officer or member so retired from service shall receive from the said relief fund an annual allowance as pension in case of the total disqualification for service, or as compensation for limited service, in case of partial disability; in every case the said board of fire commissioners to determine the circumstances thereof; and said pension or allowance so allowed to be in lieu of any salary received by such officer or member at the date of his being so relieved or retired from fire duty in said department; and the said department shall not be held liable for the payment of any claim or demand for services thereafter rendered; and the amount of such pension or allowance shall be determined upon the following conditions: in case of total permanent disability, caused in or induced by the actual performance of the duties of his position, or which may occur after ten years' active and continuous service in the said fire department, the amount of annual pension to be allowed shall be one-half of the annual compensation allowed such officer or member as salary at the date of his retirement from the service, or such less sum in proportion to the number of officers and members so retired, as the condition of the fund will warrant. In case of total permanent disability not caused in or induced by the actual performance of the duties of his position, or which shall have occurred before the expiration of ten years' active

Metropolitan fund.

Trustees to receive fines, etc.

May take by gifts, etc.

From the city of New York.

Permanent fund.

Bond of treasurer.

Members, how retired.

Pensions.

How determined.

Partial
disability.

Payments
to widow
or chil-
dren.

Discretion
of board.

and continuous service in the said fire department, the amount of annual pension to be allowed shall be one-third of the annual compensation allowed such officer or member as salary, at the date of his retirement from the service, or in proportion to the number of officers and members so retired as the condition of the fund will warrant. In case of partial permanent disability, caused in or induced by the actual performance of the duties of his position, or which may occur after ten years' active and continuous service in the said fire department, the officer or member so disabled shall be relieved from active service at fires, but shall remain a member of the uniformed force, subject to the rules governing said force, and to the performance of such light duties as the medical officer of the said department may certify him to be qualified to perform; and the annual allowance to be paid such officer or member shall be one-half of the annual compensation allowed as salary at the date of his being so relieved, or such less sum, in proportion to the number of officers and members so retired, as the condition of the fund will warrant. In case of partial permanent disability not caused in or induced by the actual performance of the duties of his position, or which may occur before ten years' active and continuous service in the said fire department, the officer or member so disabled shall be relieved from active service at fires; but shall remain a member of the uniformed force, subject to the rules governing said force, and to the performance of such light duties as the medical officer of the said department may certify him to be qualified to perform, and the annual allowance to be paid such officer or member shall not exceed one-third of the annual compensation allowed as salary at the date of his being so relieved, or such less sum as the said board may, in their discretion, determine, or as the condition of the fund will warrant. If any officer or member of the said fire department or retired officer or member of the same shall die while in the service of the same or while so retired, and shall leave a widow, or if no widow, any child or children under the age of sixteen years, a sum of not exceeding three hundred dollars, or such less sum as, in the opinion of the trustees, the condition of the fund will justify, by way of annuity, shall be paid to such widow so long as she remains unmarried, or to such child or children so long as the youngest of said children continues under the age of sixteen years. In every case the board of fire commissioners shall determine the circumstances thereof, and order payment of the annuity to be made in such proportion to the various representatives (in case there shall be more than one) as they may deem just, by drafts to be signed by each trustee; but nothing herein contained shall render any payment of said annuity obligatory upon the said board or upon said trustees, or chargeable as a matter of legal right; and the board of commissioners may, at any time, order such annuity to be reduced or to cease.

LIFE INSURANCE FUND.

Deductions from
pay of
firemen.

There shall be deducted from the monthly pay of each officer and fireman of said department, and from the monthly pension of retired members of said department, and from the pay of such of the other employees of said department as shall desire to avail themselves of this provision, the monthly sum of one dollar, which shall be received and held by the treasurer of the relief fund herein created, in the like manner as the other moneys herein provided to be paid to him; and which shall be known as the New York fire department life insurance fund; and in the case of the death of any member or employee of said de-

partment, in the service thereof, or of any pensioned or retired member of said department, and so contributing, there shall be paid to the widow, or if there be no widow, then to the legal representatives of such deceased member or employee or pensioned and retired member, the sum of one thousand dollars out of the moneys so assessed; and in the case by reason of the number of deaths the aggregate amount of money so provided to be assessed and collected should prove inadequate to make such payment, then the assessment may, in the discretion of said trustees, be increased to not exceeding the sum of two dollars in each month's pay or each month's pension of pensioned and retired members of said department; and if in any year, owing to an excessive mortality in the uniformed force, the condition of said life insurance fund shall render it, in the judgment of the said trustees, necessary, a sum not exceeding five thousand dollars may be transferred and paid over from the said relief fund to the said life insurance fund, for the use and purpose of said life insurance fund, Chapter seven hundred and fifty-six of the laws of eighteen hundred and sixty-six is hereby repealed.

Payments
to widow.

Increase
of assess-
ments on
firemen.

Transfer
from relief
to insur-
ance fund.

§ 2. This act shall take effect immediately.

CHAP. 122.

AN ACT further to amend chapter two hundred and sixty of the laws of eighteen hundred and thirty-eight, entitled "An act to authorize the business of banking," and to amend chapter two hundred and seventy-seven of the laws of eighteen hundred and fifty-nine, entitled "An act to provide for the reduction of the capital stock of banking associations."

Banking.

PASSED March 28, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of chapter two hundred and sixty of the laws of eighteen hundred and thirty-eight, entitled "An act to authorize the business of banking," is hereby further amended so as to read as follows:

Amending
ch. 260,
Laws 1838
(4 Edm.
127).

§ 15. Any number of persons may associate to establish offices of discount, deposit and circulation, upon the terms and conditions, and subject to the liabilities prescribed in this act, and the acts amendatory thereof; but the aggregate amount of the capital stock of any such association or bank shall not be less than one hundred thousand dollars; provided, however, that banks with a capital of not less than fifty thousand dollars may be organized in any city, village or place, the population of which does not exceed thirty thousand inhabitants.

Offices of
discount,
etc.

Capital
stock.

§ 2. Section one of chapter two hundred and seventy-seven of the laws of eighteen hundred and fifty-nine, entitled "An act to provide for the reduction of the capital stock of banking associations," is hereby amended so as to read as follows:

Amending
ch. 277,
Laws 1859
(4 Edm.
190).

§ 1. It shall be lawful for a banking association now, or hereafter to be, organized under the general banking laws of this State, to reduce its capital stock to an amount which shall be equal to the value of the property and effects of such banking association, above and beyond all its debts and liabilities, and thenceforth the capital stock of such asso-

Reduction
of capital
stock.

ciation shall be such reduced amount, and the par value of the shares thereof shall be reduced in the same proportion; but in no case shall such capital stock be reduced below the amount required by law for a banking association.

§ 3. This act shall take effect immediately.

A bank reducing its capital stock cannot retain as a surplus fund, or for other purposes, the whole or any part of the money which it receives for the retired stock. *Seeley v. New York Exch. Nat. Bank*, Thomp. Nat. Bank Cases, 804. After the reduction is effected, assessments of taxes can be made only on the reduced capital. *People v. Olmstead*, 45 Barb. 644.

Ante, vol. 4, pp. 127, 190.

CHAP. 129.

Villages. AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED March 31, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 291,
Laws 1870
(7 Edm.
681).

SECTION 1. Title four of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended by adding thereto an additional section to be numbered section seven, as follows:

Contracts
for supply
of water.

§ 7. The board of trustees shall also have power and is hereby authorized to contract with any water company for supplying the village with water for the purpose of extinguishing fires, and to assess and collect the amount agreed to be paid in such contract, as other village taxes are assessed and collected; and any such contract entered into by the trustees of any village, shall be valid and binding upon such village; provided, however, that no such contract shall be made for a longer period than five years, nor for a sum exceeding in the aggregate fifty cents per capita, per annum, of the population of the village, unless the proposition for the same be submitted to a vote of the citizens, in the manner provided in sections four and five of this title, and approved by a majority of the voters entitled to vote on such question, and voting at an annual election, or at a special election duly called.

Limitation
as to con-
tract.

§ 2. This act shall take effect immediately.

Ante, vol. 7, pp. 681, 694.

CHAP. 134.

Public in-
struction.

AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

PASSED April 2, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 555,
Laws 1864.

SECTION 1. Subdivision seven of section thirteen, title nine, of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows:

7. To have in all respects the superintendence, management and control of said union free schools, and to establish in the same an academical department whenever in their judgment the same is warranted by the demand for such instruction; to receive into said union free schools any pupils residing out of said districts, and to regulate and establish the tuition fees of such non-resident pupils in the several departments of said schools; provided, that if such non-resident pupils, their parents or guardians shall be liable to be taxed for the support of said schools in the districts, or either of them, on account of owning property therein, the amount of any such tax paid by a non-resident pupil, his parent or guardian, shall be deducted from the charge for tuition; to provide fuel, furniture, apparatus, and other necessities for the use of said schools, and to appoint such librarians as they may from time to time deem necessary.

Powers of board of education of union free school districts.

§ 2. This act shall take effect immediately.

Ante, vol. 6, p. 353. The amendment consists of inserting the clause, between semi-colons, beginning "provided, that if such non-resident pupils," etc.

CHAP. 136.

AN ACT to amend chapter three hundred and twenty-nine of the laws of eighteen hundred and seventy-six, entitled "An act securing to Baptist churches of the State of New York the benefits of incorporation, and repealing chapter six hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled 'An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled, An act to provide for the incorporation of religious societies, passed April fifth, eighteen hundred and thirteen.'"

Baptist churches.

PASSED April 2, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter three hundred and twenty-nine of the laws of eighteen hundred and seventy-six, entitled "An act securing to Baptist churches of the State of New York the benefits of incorporation, and repealing chapter six hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled 'An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled, An act to provide for the incorporation of religious societies, passed April fifth, eighteen hundred and thirteen,'" is hereby amended by adding thereto an additional section, to be numbered section eight, as follows :

Amending ch. 329, Laws 1876.

§ 8. In case any church previously enjoying the benefits of incorporation may have already reorganized under the provisions of the act hereby amended, or shall hereafter reorganize thereunder, the trustees elected at such reorganization shall be the legal successors of those elected under any previous law; and the latter shall at once convey to the former all the property held by them in trust for said church, subject to the rights of all parties who may have acquired an interest therein.

Trustees on reorganization.

§ 2. This act shall take effect immediately.

Ante, p. 304.

CHAP. 143.Disorderly
persons.

AN ACT to amend section two, title five, chapter twenty, part one of the Revised Statutes, entitled "Of disorderly persons."

PASSED April 4, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
1 R. S. 633.

SECTION 1. Section two, title five, chapter twenty, part one of the Revised Statutes is hereby amended so as to read as follows:

§ 2. Upon complaint made on oath to any justice of the peace or to any police justice of any city or village, against any person as being disorderly, he shall issue his warrant for the apprehension of the offender, and cause him or her to be brought before such justice for examination. If it shall appear by the confession of the offender or by competent testimony that he or she is a disorderly person, the justice may require of the offender sufficient sureties for his or her good behavior for the space of one year. In default of such sureties being found, the justices shall make up, sign and file in the county clerk's office, a record of the conviction of such offender as a disorderly person, specifying generally the nature and circumstances of the offense, and shall, by warrant under his hand, commit such offender to the common jail of the city or county, or to the penitentiary of the county, there to remain until such sureties be found, or such offender be discharged according to law.

§ 2. This act shall take effect immediately.

Ante, vol. 1, p. 591. Amended by inserting the words "or to any police justice of any city or village," after the words "justice of the peace" in the first line.

CHAP. 145.Intoxicat-
ing liquors

AN ACT to further amend chapter one hundred and seventy-five of the laws of eighteen hundred and seventy, entitled "An act regulating the sale of intoxicating liquors."

PASSED April 4, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 175,
Laws 1870.

SECTION 1. Section two of chapter one hundred and seventy-five of the laws of eighteen hundred and seventy, entitled "An act regulating the sale of intoxicating liquors," is hereby further amended so as to read as follows:

Commis-
sioners of
excise, ap-
pointment
of.

§ 2. The mayor of each of the cities, except in the cities of New York, Brooklyn, and Poughkeepsie, shall appoint the commissioners of excise in their respective cities within ten days after the passage of this act; but in the cities of New York, Brooklyn and Poughkeepsie, the mayor shall nominate three good and responsible citizens to the board of aldermen of such cities respectively, who shall confirm or reject such nominations. In case of the rejection of such nominees, or any of them, the mayor shall nominate other persons as aforesaid, and shall continue so to nominate, until the nominations shall be confirmed. The present commissioners of excise for the metropolitan district and the commission-

Present
commis-
sioners to
hold till

ers for the counties shall continue to exercise the duties of the office until such appointments, or some one of them, shall be appointed in such cities respectively, as herein provided. Any one or more of the commissioners so appointed, shall have the power to act as a board of excise for the city in which he shall be appointed until the others shall be duly appointed. Commissioners of excise in cities shall hold their offices for three years, and until others shall be appointed in their places, and shall receive a salary not to exceed twenty-five hundred dollars a year each, to be fixed by the mayor and common council of their respective cities, and shall be paid as other city officers are paid. On the first Monday of April in every third year hereafter, the mayor and board of aldermen shall proceed to appoint, in the manner above described, persons qualified as aforesaid to be such commissioners of excise in their respective cities for the next three years, commencing on the first day of May in that year, and shall, from time to time, as often as vacancies shall occur, appoint persons qualified as aforesaid to fill the unexpired term of any commissioners who shall die, resign, remove from the city, or be removed from office. Such commissioners of excise in cities shall be removed for any neglect or malfeasance in office, in the same manner as provided by law for the removal of sheriffs.

others are appointed.

Term of office.

Salary.

Triennial appointment.

Vacancies.

Removal.

§ 2. This act shall take effect immediately.

Ante, vol. 7, p. 666; vol. 9, p. 683; *post*, p. 802.

CHAP. 151.

AN ACT to amend chapter eight hundred and fifty-nine of the laws of eighteen hundred and seventy-one, entitled "An act to provide for the election of certain judicial and other officers, and to fix their terms of office."

PASSED April 8, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight, of chapter eight hundred and fifty-nine of the laws of eighteen hundred and seventy-one, entitled "An act to provide for the election of certain judicial and other officers, and to fix their terms of office," is hereby amended so as to read as follows:

Amending ch. 856, Laws 1871.

§ 8. Whenever any surrogate in a county shall be precluded from acting as such, in any case, by reason of interest, relationship by consanguinity or affinity to any party interested therein, so that he would be excluded from being a juror, or by reason of being a witness of any will, or having acted as counsel in such case, or disabled by reason of sickness, absence or lunacy, and there are no legal officers in such county to discharge the duties of such surrogate, or where such officer shall also be incapacitated from acting as such surrogate by reason of the foregoing disabilities in the case of the surrogate, the county judge of such county, or in case of his disability for like causes, then the

District attorney when to act in case of disability of surrogate.

Compensation.

district attorney shall possess the power and exercise jurisdiction in all respects in such case as the surrogate of such county would be authorized to possess and exercise, were it not for such disability. The district attorney of such county, while acting as surrogate in such case, shall be entitled to receive the same compensation, pro rata, as the officer acting as county judge and surrogate of such county is entitled to receive, to be audited by the board of supervisors, and to be paid by the county treasurer in the same manner as the salary of the county judge and surrogate shall be paid; and in counties where there is a separate officer to perform the duties of the office of surrogate, then the district attorney of such county shall receive the same compensation, pro rata, as such surrogate shall be entitled to receive in such county for the time said district attorney shall be acting as surrogate in such cases of disability, which shall be authorized by the board of supervisors, and paid as the salary of such separate officer elected to perform the duties of the office of surrogate is paid.

§ 2. This act shall take effect immediately.

Ante, vol. 9, p. 214. Secs. 7 and 8 of ch. 859, L. 1871, were repealed by ch. 245, L. 1880, *post*, 958. See Co. Civ. Proc., secs. 2484 and 2493.

CHAP. 152.

Canals.

AN ACT to authorize the permanent appropriation of land for the repair of the banks, prisms and other structures of the canals.

PASSED April 8, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation of land.

SECTION 1. Whenever, in the judgment of the superintendent of public works, any of the earth structures of the canals of the State need to be raised, widened, strengthened or otherwise improved, the superintendent of public works is hereby authorized to enter upon and permanently appropriate, to the use of the State, so much of any lands adjacent to the canals as may be necessary to provide earth and gravel for such purposes.

Damages.

§ 2. Claims for damages, by reason of the appropriation of land under section one of this act, may be adjusted and paid by the superintendent of public works, if the amount thereof can be agreed upon with the owner or owners of land so appropriated; otherwise said claims shall be heard and determined in the same manner as other claims now are, by the board of canal appraisers.

§ 3. This act shall take effect immediately.

CHAP. 153.

AN ACT to amend chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, as amended by chapter three hundred and fifty-nine of the laws of eighteen hundred and seventy-six, entitled "An act to require the payment of certain premiums to the fire department of cities and incorporated villages by fire insurance companies, not organized under the laws of the State of New York, but doing business therein," passed May twenty-eight, eighteen hundred and seventy-five.

Foreign
insurance
companies

PASSED April 8, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, as amended by chapter three hundred and fifty-nine of the laws of eighteen hundred and seventy-six, entitled "An act to require the payment of certain premium to the fire department of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein," is hereby amended so as to read as follows:

Amending
ch. 465,
Laws 1875.

§ 3. Every person who shall effect, agree to effect, promise or procure any insurance specified in the preceding sections of this act, without having executed and delivered the bond required by the preceding section, shall for each offense forfeit two hundred dollars, for the use and benefit of the fire department of such city or village, such penalty of two hundred dollars, shall be collected by and in the name of the fire department of the city or village in which the property insured, or agreed to be insured, is situated, and the treasurer or chief financial officer of any city or incorporated village, having no incorporated fireman's relief or benevolent society, receiving any money under the provisions of chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, as amended by chapter three hundred and fifty-nine of the laws of eighteen hundred and seventy-six, shall on or before the fifteenth day of November, in each year, apportion and pay over all such moneys so received, to the treasurers of the several fire companies as are duly recognized by the common council or trustees of such city or village. And if he shall neglect or refuse to perform any or all of the duties required by this act, he shall be subject to a penalty of two hundred dollars for such neglect or refusal; and the foreman of any fire company shall be entitled to, and may maintain an action and sue for, in the name of and for the benefit of such fire company, any of the proportion of penalties prescribed by this act; and premiums or penalties to which such company may be entitled under chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, as amended by chapter three hundred and fifty-nine of the laws of eighteen hundred and seventy-six. But no action shall be maintained, or recovery be had, in any court of this State, for or on

Penalty
for doing
business
without
giving
bond.

Penalty
how col-
lected, ap-
portioned
and paid
over.

Penalty
for neglect
Foreman
of fire
company
may sue
for pen-
alty.

Offenses
heretofore
happening

account of any such offense heretofore happening; nor shall any such court have power or authority to render judgment for or on account of any such offense heretofore happening, when such agent shall have paid to the party entitled to the same, the premium required to be paid by section one of this act, as amended by section one of chapter three hundred and fifty-nine of the laws of eighteen hundred and seventy-six.

§ 2. This act shall take effect immediately.

Ante, pp. 154, 318 and 539.

CHAP. 159.

County
treasurers.

AN ACT further to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers."

PASSED April 10, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 436,
Laws 1877.

SECTION 1. Section ten of chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers," is hereby further amended so as to read as follows:

§ 10. Nothing herein contained shall apply to the counties of Sullivan, Putnam, Greene, Monroe, Onondaga, Columbia, Seneca, Essex, Delaware, Queens, Chautauqua and Allegany.*

§ 2. This act shall take effect immediately.

Ante, p. 454; *post*, p. 1101, and note.

CHAP. 161.

Insurance. AN ACT to amend chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies."

PASSED April 15, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 463,
Laws 1853.

SECTION 1. The title of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies," is hereby amended so as to read as follows: "An act to provide for the incorporation of life and health insurance companies, and casualty insurance companies, and in relation to agencies for such companies."

Title
amended.

§ 2. Section seventeen of said chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three is hereby amended so as to read as follows:

*So in the original.

§ 17. It shall be the duty of the superintendent of the insurance department, whenever he shall have good reason to suspect the correctness of any annual statement, or that the affairs of any company, required by law to make such statement, are in an unsound condition, to cause an examination to be made, for the purposes named in this act, into the affairs of any such insurance company, or any insurance company doing business by its agencies in this State; and it shall be the duty of the officers or agents of any insurance company, incorporated or doing business in this State, to cause their books, and the books of such companies, to be opened for the inspection of the said superintendent and the person or persons appointed by him to make such examination, and otherwise to facilitate such examination, so far as it may be in their power so to do; and for that purpose the said superintendent, or the person or persons so appointed by him, shall have power to examine, under oath, the officers and agents of any company relative to the business of such company; and whenever the said superintendent shall deem it for the interest of the public so to do, he shall publish the result of such investigation in the State paper. Whenever it shall appear to the said superintendent from the statement of any life or casualty insurance company made to the insurance department, or from an examination of the affairs of any such company (if a stock company), that its capital stock is impaired to the extent of fifty per cent thereof, it shall be the duty of the said superintendent, if the company is organized under the laws of any other State or country, to revoke the certificate of authority issued to the agent or agents of any such company, and shall cause a notice thereof to be published in the State paper for four weeks, and the agent or agents of such company are, after such notice, required to discontinue the issuing of any new policies. If the company so impaired is organized under the laws of this State, it shall be the duty of said superintendent to direct the officers thereof to require the stockholders to make good in cash the amount of such deficiency within ninety days after the date of his requisition. And in case of the failure of the stockholders to comply with such demand, it shall be the duty of the superintendent to report the facts to the attorney-general, who shall thereupon bring an action in the supreme court for the dissolution of the corporation. And in case it shall satisfactorily appear to the court that the assets and funds of the company are not sufficient to justify the further continuance of the business of insuring lives, granting annuities and incurring new obligations, as authorized by its charter, the court shall render judgment dissolving such company, and directing a distribution of its assets, exclusive of those deposited with the superintendent of the insurance department. Provided that any company organized under the laws of this State, whose capital is impaired as above fifty per cent, may by a vote of a majority of its directors at a meeting called for that purpose reduce its capital stock to an amount not less than one hundred thousand dollars; and the said directors are hereby empowered to issue new certificates of stock to the stockholders for the amount of the reduced capital, and require in return all certificates previously issued. Whenever it shall appear to the superintendent that the assets of any of the companies referred to in this section, other than stock companies, are insufficient to re-insure its outstanding risks, he shall communicate the facts to the attorney-general, whose duty it shall then be to bring an action in the supreme court for the dissolution of such company. And in case it

Superintendent to cause examination to be made

Books to be opened for inspection.

Examination of officers.

Publishing result.

Duty of superintendent where capital stock is impaired.

Failure to make capital stock good.

Action by attorney-general.

Winding up.

Reducing capital stock.

Action for dissolution for failure of assets.

When judgment of dissolution to be granted.	shall satisfactorily appear to the court in such action that the assets and credits of the company are not sufficient to re-insure its outstanding risks, the court shall render judgment dissolving the company and directing a distribution of its assets, exclusive of the securities deposited with the superintendent of the insurance department.
Proceedings.	In any action authorized by this section the court may prescribe the time within which the company proceeded against shall answer, and may hear and try the issues at such time, in such manner, and upon such notice as the court may direct; and may appoint a referee to inquire into and report upon the facts; and shall have power to grant such orders, and in its discretion, from time to time, to modify or revoke the same, as the facts or evidence in the case, and the situation of the parties and the interests involved shall seem to require. After the rendition of any judgment referred to in this section, the court shall have power to order the distribution, by the superintendent, of the securities and funds deposited with and held by him under the provisions of this act. And in estimating the condition of any life insurance company under the provisions of this act, the superintendent shall allow as assets only such investments as are authorized by the existing laws of the state at the date of examination, and shall charge as liabilities in addition to the capital stock all outstanding indebtedness of the company and a premium reserve on policies, and additions thereto in force, based on net premiums, American experience table of mortality, with four and one-half per cent interest. And in estimating the condition of any casualty insurance company under the provisions of this act, the superintendent shall allow as assets only such investments as are authorized by the existing laws of the State at the date of his investigation; and shall charge as liabilities, in addition to the capital stock, all outstanding indebtedness of the company and a premium reserve on policies in force equal to the unearned portions of the premiums paid by the insured for covering the risks, computed on each respective risk from the date of the issuance of the policy. The report of every examination of the affairs of a company, made pursuant to this act, shall be verified by the person making such examination, to be just and true in all respects according to the best of his knowledge and understanding, and when so verified shall be presumptive evidence in all courts and legal proceedings.
Distribution	
Condition of company how estimated.	
Verification of report.	
Expense.	The expense of any examination made under this section shall be borne by the company whose affairs are so examined, to be paid by the company to the State treasurer after being approved by the superintendent of the insurance department and audited by the comptroller.
Act not to affect pending proceedings.	§ 3. This act shall not impair or affect any action or proceedings now pending in any court against any insurance company, but the courts shall have the same power to proceed in such actions or proceedings to final decision, decree or judgment as if this act had not been passed.
Repeal.	§ 4. All acts or parts of acts inconsistent herewith are hereby repealed.
	§ 5. This act shall take effect immediately.
	<i>Ants</i> , vol. 4, pp. 216, 224.

CHAP. 163.

AN ACT to amend the Code of Civil Procedure.

PASSED April 16, 1879.

Code of
Civil Pro-
cedure.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision one of section seven hundred and ninety-one of the Code of Civil Procedure, is hereby amended so as to read as follows: Amending
subd. 1. §
791.

1. An action or special proceeding brought by or against the people of the State or by or against any State officer or board of State officers as such, and in which the people or such officer or board, appear by the attorney-general; where the attorney-general has given notice, at the time of service of notice of trial or argument, of a particular day in the term on which he will move it. If the action or special proceeding is not moved by him for trial or argument on that day, or as soon thereafter in the same term as the court can hear it, the other party may then move the trial or argument; otherwise it shall not be moved out of its order at that term, except by the special order of the court. Preference
among
civil
actions by
the attor-
ney-gen-
eral.

§ 2. This act shall take effect immediately.

CHAP. 164.

AN ACT to amend article three, title one of chapter eight, Divorces.
part two of the Revised Statutes, entitled "Of divorces dis-
solving the marriage contract."

PASSED April 16, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-nine of article three of title one, of chap- Amending
§ R. 8. 146.
ter eight, of part two of the Revised Statutes, is hereby amended so as
to read as follows:

§ 49. Whenever a marriage shall be dissolved pursuant to the pro- Marriage
after di-
vorce for
adultery.
visions of this article, the complainant may marry again during the
life-time of the defendant; but no defendant convicted of adultery
shall marry again until the death of the complainant, unless the court
in which the judgment of divorce was rendered shall in that respect
modify such judgment, which modification shall only be made upon
satisfactory proof that the complainant has remarried, that five years
have elapsed since the decree of divorce was rendered, and that the
conduct of the defendant since the dissolution of said marriage has
been uniformly good.

§ 2. This act shall take effect immediately.

Cropey v. Ogden, 11 N. Y. 228; *Haviland v. Halstead*, 34 id. 643; As to the validity of a
marriage contracted out of the State by one divorced for adultery, see *Webb's estate*, 1
Tuck. 373; *Marshall v. Marshall*, 4 T. & C. 449; *Com. v. Lane*, 118 Mass. 453; 2 C., 18 Am.
Rep. 509 and note; *State v. Ross*, 76 N. C. 243; 2 C., 22 Am. Rep. 678; *State v. Kennedy*, 76
N. C. 261; 2 C., 22 Am. Rep. 686.

Ante, vol. 2, p. 152. The section of the R. S. hereby amended was not repealed
by L. 1880, ch. 245. See Co. Civ. Proc., sec. 1761; also, *post*, p. 766; see, also, 8
Abb. N. C., p. 171.

CHAP. 166.

AN ACT to provide for the settlement of the boundary lines between the State of New York and the State of Connecticut.

PASSED April 16, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Com-
mis-
sion-
to as-
cer-
tain
bound-
ary
between
this State
and Con-
necticut.

SECTION 1. The secretary of State, the attorney-general and the State engineer and surveyor are hereby designated and appointed as commissioners on the part of the State of New York to ascertain the boundary lines between this State and the State of Connecticut, both upon the west and south of the State of Connecticut, and the said commissioners are hereby authorized and empowered to meet such commissioners as have been or may be appointed, and vested with similar powers on the part of the State of Connecticut under authority of the legislature thereof, and with such last-mentioned commissioners as soon as may be, to ascertain and agree upon both of the said boundary lines, designating the same by suitable monuments at such places as they shall deem necessary; and said commissioners hereby appointed are authorized to employ such surveyors and assistants as may be necessary. The said commissioners shall report their doings to the legislature of this State for its consideration and ratification.

Appropri-
ation.

§ 2. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury applicable to such purposes to pay the necessary expenses and disbursements of the said commissioners in the performance of the duties required by this act, and the comptroller is authorized to draw his warrant upon the treasurer for the moneys hereby appropriated, from time to time, as the same may be needed.

§ 3. This act shall take effect immediately.

CHAP. 167.

Metropol-
itan Asso-
ciation Re-
gattas.

AN ACT for the safety and protection of oarsmen rowing on the Hudson river opposite the city of New York in regattas, given under the auspices of the Metropolitan Association of Amateur Oarsmen.

PASSED April 16, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Police
commis-
sioners
may keep
course
clear.

SECTION 1. It shall be lawful for the police commissioners of the city and county of New York, whenever they shall be notified in writing by the Metropolitan Association of Amateur Oarsmen, that a regatta is to be given under its auspices on the Hudson river opposite Washington Heights, New York city, to keep the course used for any such regatta free and clear of all boats and vessels of every description during the actual time of the regatta, which shall not exceed six hours in any one day; provided,

1. That there shall not be more than five regattas in any one year. Condi-
tions.
2. That the course selected for such regatta shall be above Seventy-second street, and far enough up the river so as not to interfere with any line of ferry boats running on their regular course and trips.
3. That said regatta course shall not exceed in breadth more than one-fourth the width of the river from either shore, nor shall it exceed more than three miles in length.
- § 2. The course selected for any such regatta shall be plainly marked out by buoys or boats anchored; such buoys or boats shall have a flag placed upon them, so that they may be readily seen. Course to
be marked.
- § 3. No boat, vessel or steamboat of any description shall be allowed on said regatta course during the actual time of any regatta except by the consent of the officers in charge of such regatta. Boats not
to be al-
lowed on
course.
- § 4. Any person rowing a row-boat, or pilot of a sail-boat, sailing vessel or steamboat, willfully going upon said regatta course, and thereby interfering with the regatta, shall be deemed guilty of a misdemeanor and shall be liable to a penalty of not less than one hundred dollars, nor more than two hundred and fifty dollars, or imprisonment in the county jail for a time not to exceed three months, or to both penalty and imprisonment. The fine or penalty to go to the police fund of New York city. Penalty.
- § 5. Nothing in this act contained shall apply to, or be so construed as to interfere in any way with, sailing vessels actually engaged in commerce while proceeding on their course. Limitation
as to sail-
ing vessels.
- § 6. It shall be the duty of the police commissioners of the city of New York to furnish a sufficient number of police to keep said regatta course clear, and they shall have power to arrest any person or persons going upon such regatta course during the time of the regatta in violation of this act. The New York city police courts shall have jurisdiction of such cases. Police to
be fur-
nished.
- § 7. This act shall take effect immediately. Jurisdic-
tion of
offenses.

CHAP. 168.

AN ACT to prohibit the charging or receiving of illegal wharfage in the cities of New York, Brooklyn and Long Island City. Wharfage.

PASSED April 16, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of every person owning or having charge of any pier, wharf, bulkhead, or slip, in either of the cities of New York, Brooklyn, or Long Island City, to cause to be printed on the back of all bills presented by them for wharfage chapter three hundred and fifteen of the laws of eighteen hundred and seventy-seven, regulating the rates of wharfage in said cities; and the owner, consignee or person in charge of any vessel shall not be required to pay the wharfage or dockage due on such vessel, unless upon his demand the bill printed in conformity with this act is presented to him. Any person owning or having charge of any pier, wharf, bulkhead, or slip as aforesaid, who shall receive for wharfage any rates in excess of those now authorized by law, shall forfeit to the party Owners of
piers,
wharves,
etc., to
have ch.
315, Laws
1877, print-
ed on
backs of
bills for
wharfage.

Penalty for
illegal
wharfage.

aggrieved treble the amount so charged, as damages, to be sued for and recovered by the party aggrieved.

§ 2. This act shall take effect immediately.

CHAP. 171.

Chattel mortgages.

AN ACT to provide for discharging chattel mortgages.

PASSED April 16, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

How discharged of record.

SECTION 1. Whenever any mortgagor, or any person obtaining title to mortgaged property, shall present to any recorder, county or town clerk, in whose office a chattel mortgage executed by said mortgagor on such property may be filed, a certificate from the mortgagee therein named, or the holder or owner thereof, that such mortgage is paid or satisfied, it shall be the duty of such recorder or either of the clerks above mentioned, to file such certificate in his office and discharge such mortgage, by writing in the book kept by such recorder or either of such clerks, and opposite the entry therein of such mortgage, the word "discharged," with the date thereof.

§ 2. This act shall take effect immediately.

Ante, vol. 4, pp. 435, 441.

CHAP. 176.

Writs of error in criminal cases.

AN ACT to amend chapter eighty-two of the laws of eighteen hundred and fifty-two, entitled "An act in relation to writs of error in behalf of the people in criminal cases."

PASSED April 16, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending ch. 82, Laws 1852.

SECTION 1. Section one of chapter eighty-two of the laws of eighteen hundred and fifty-two, entitled "An act in relation to writs of error in behalf of the people in criminal cases," is hereby amended so as to read as follows:

Writs of error in behalf of the people.

§ 1. Writs of error to review any judgment rendered in favor of any defendant upon any indictment for any criminal offense, except where such defendant shall have been acquitted by a jury, and to review any decision or order quashing any indictment may be brought in behalf of the people of this State by the district attorney of the county where such judgment, decision or order shall be rendered or granted upon the same being allowed by a justice of the supreme court; and the court of appeals shall have full power to review by writ of error in behalf of the people any such judgment, decision or order rendered or granted in the supreme court in favor of any defendant charged with a criminal offense.

§ 2. This act shall take effect immediately.

Court of appeals to review judgment.

Ante, vol. 5, p. 176. The amendment consists of inserting after the word "judgment" (except where it occurs in the first line) the words "decision or order"; and after the word "rendered" (except in first line) the words "or granted." See 78 N. Y. p. 347. and *note* p. 1052

CHAP. 178.

AN ACT in relation to assessment and other bonds of the city New York.
of New York.

PASSED April 16, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever it shall be lawful to issue any bonds of the city and county of New York in exchange for any bonds heretofore issued pursuant to law, the same shall be issued in denominations of twenty dollars, fifty dollars, one hundred dollars and five hundred dollars and upwards, each. Denomin-
ation of
bonds.

§ 2. Without pecuniary disadvantage to the said city and county of New York, preference shall, as far as practicable, be given to applicants for the smallest amounts and smallest denominations of said bonds in issuing the same. Sale.

§ 3. All acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 186.

AN ACT relating to ambulances. Ambulan-
ces.

PASSED April 16, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Every ambulance or other vehicle used for the transportation of sick or wounded persons or animals shall be entitled to the right of way over all other vehicles upon every public street, highway and place. Any person who shall willfully interfere with, or retard, or obstruct, or impede the progress of any such ambulance or vehicle thereon, or who shall willfully injure the same, or willfully drive any vehicle into collision therewith, shall be guilty of a misdemeanor. To have
right of
way.

Penalty for
obstruct-
ing.

§ 2. All police officers, sheriffs and constables, shall, when called upon, aid the persons in charge of such ambulance or vehicle in placing sick or wounded persons or animals therein and in the enforcement of the provisions of this act. Peace
officers to
aid.

§ 3. Nothing in this act contained shall affect the existing right of way of the United States mail ; or of the officers, men and fire apparatus of any municipal fire department, or insurance patrol. Excep-
tions.

§ 4. This act shall take effect immediately.

CHAP. 201.

Justices of peace. **AN ACT** authorizing justices of the peace to execute and file official bonds.

PASSED April 19, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bond of. SECTION 1. Every justice of the peace in this State who is required to execute and file a bond by chapter one hundred and seven of the laws of eighteen hundred and seventy-eight, shall upon executing and filing a bond as required by the said act, within sixty days after the passage of this act, be entitled to hold his said office, and discharge the duties thereof during the remainder of the term for which he was elected or appointed, and all of his official acts are hereby declared to be as valid and of the same effect as though he had executed and filed said bond within the time stated in said act; provided, that nothing in this act shall affect any suit now pending.

§ 2. This act shall take effect immediately.

Ante, pp. 580, 689 ; *post*, p. 773.

CHAP. 203.

Historical societies. **AN ACT** to authorize historical societies in this State to hold real estate for preservation and monumental purposes, and to receive historical articles in trust.

PASSED April 19, 1879 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Real estate for monumental purposes. SECTION 1. Any historical society in this State is hereby authorized to have and hold for the purposes of enclosure, preservation and the erection of monuments, but under no circumstances for the purposes of business, the sites of old forts and battles, not to exceed six acres in one locality, and when such sites have been so appropriated and improved, and used for such purposes only, they shall be exempt from taxation ; and to receive donations of articles of historic interest on the condition that it shall not dispose of the same, except with the consent of the donor, and that in case of its dissolution or inability to pay its debts otherwise than from its effects, the said articles shall revert to the donors or their heirs. But nothing herein contained shall be construed as authorizing the charging of any fee for the exhibition of such enclosure or structure by such historical society or their agents.

Historic articles.

§ 2. This act shall take effect immediately.

CHAP. 204.

AN ACT to prevent ice gorges in the river St. Lawrence.

PASSED April 19, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the passage of this act it shall be unlawful for any person or persons to cut, loosen or detach from any bay, creek, estuary, inlet or main or island shore of the river St. Lawrence within the jurisdiction of the State of New York, any field of ice or large body of ice, for the purpose or with the intent of using the same as a bridge between any island of said river and the main shore or between any islands of said river ; whereby the full, free and natural flow of the waters of said river shall be impeded, interfered with or threatened. Detaching ice for bridge forbidden.

§ 2. Any person violating section one of this act shall be deemed guilty of a misdemeanor and shall upon conviction be liable to a fine of not less than two hundred and fifty dollars, or imprisonment, or both in the discretion of the court. Penalty.

§ 3. In the event of an ice gorge in any part of the river St. Lawrence within the jurisdiction of the State of New York, either by a violation of the provisions of this act or from any other cause, it shall be lawful for any person injured thereby or liable to suffer injury therefrom, to remove said ice gorge as far as it may interfere with or impede the full, free and natural flow of the waters of said river, and any person or persons interfering with or preventing said removal or the necessary work thereof, shall be deemed guilty of a misdemeanor and upon conviction shall be liable to a fine of not less than two hundred and fifty dollars, or imprisonment, or both, in the discretion of the court. Removing ice gorge.

§ 4. Nothing in this act contained shall prevent placing an ice bridge from the south shore of Long Sault island to the American shore, across the south channel of the river St. Lawrence, provided said bridge shall not cause floating ice or anchor ice to jam or gorge at or above the point where it may be placed, and shall not otherwise interfere with the full, free and natural flow of the waters of said river St. Lawrence. In case such bridge shall cause the ice to gorge or jam, or shall interfere with the full, free and natural flow of the water of said river St. Lawrence, it shall be the duty of the person or persons placing it to remove the same on the application of any party injured or liable to be injured ; and in case of refusal, said bridge may be removed according to the foregoing provisions of this act, and the charge and expense of such removal shall be borne by the party responsible for the placing of such ice bridge, and may be sued for and recovered in any court of this State. Providing nothing in this act contained shall be deemed or construed as in any way exempting parties constructing ice bridges in the river St. Lawrence from their common law liability. Proviso.

§ 5. This act shall take effect immediately.

CHAP. 205.

New York. **AN ACT** in relation to arrears of taxes in the city of New York, and to provide for the reissuing of revenue bonds in anticipation of such taxes.

PASSED April 19, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Payment
of arrears
of taxes.

SECTION 1. At any time within one year after the passage of this act, any person may pay to the comptroller of the city of New York the amount of any tax upon real property belonging to such person heretofore laid or imposed and now remaining unpaid, together with interest at eight per cent per annum, to be calculated from the time that such tax was imposed to the time of such payment, and the comptroller shall make and deliver to the person so making such payment a receipt therefor, and shall forthwith cancel the record of any such tax. Upon such payment such tax shall cease to be a lien upon the property and shall be deemed fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over eight per cent upon any unpaid tax.

Reissue of
bonds.

§ 2. Any revenue bonds heretofore issued in anticipation of the taxes in the first section specified, which may fall due and become payable before said taxes are collected, may be reissued by the comptroller of said city, in whole or in part for such period as he may determine, not exceeding one year.

§ 3. This act shall take effect immediately.

CHAP. 208.

Apportion-
ments.

AN ACT to organize the senate districts and for the apportionment of the members of assembly of this State.

PASSED April 23, 1879; without the approval of the Governor, pursuant to provision of section nine of article four of the Constitution.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Senate
districts.

SECTION 1. The senate districts of this State, from and after the passage of this act, shall consist as follows:

First. The first senate district shall consist of the counties of Queens and Suffolk.

Second. The second senate district shall consist of the first, second, fifth, sixth, eighth, ninth, tenth, twelfth and twenty-second wards of the city of Brooklyn, and the towns of Flatbush, Gravesend and New Utrecht, county of Kings.

Third. The third senate district shall consist of the third, fourth, seventh, eleventh, thirteenth, nineteenth, twentieth, twenty-first and twenty-third wards of the city of Brooklyn.

Fourth. The fourth senate district shall consist of the fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, twenty-fourth and twenty-fifth wards of the city of Brooklyn, and the towns of New Lots and Flatlands.

Fifth. The fifth senate district shall consist of the county of Richmond and the present first, second, third, fifth, sixth, eighth and fourteenth wards of the city of New York, all that portion of the fourth ward of said city that lies within Roosevelt street, Chatham street, Park row, Spruce street, Gold street, Ferry street, Peck slip and East river, all that portion of the ninth ward of said city that lies within Houston street, Hancock street, Bleecker street, Leroy street and North river, Governor's Island, Bedloe's Island and Ellis Island.

Sixth. The sixth senate district shall consist of the seventh, eleventh and thirteenth wards of the city of New York, and all that portion of the fourth ward of said city that lies within Catherine street, Chatham street, Roosevelt street and East river.

Seventh. The seventh senate district shall consist of the tenth and seventeenth wards of the city of New York, all that portion of the fifteenth ward of said city that lies east of Broadway and all that portion of the eighteenth and twenty-first wards of said city that lies within Fourteenth street, Thirtieth street, Third avenue and Broadway.

Eighth. The eighth senate district shall consist of the sixteenth ward of the city of New York, all that portion of the ninth ward of said city that lies within Leroy street, Bleecker street, Carmine street, Sixth avenue, Fourteenth street and North river, all that portion of the fifteenth ward of said city that lies west of Broadway, all that portion of the eighteenth and twenty-first wards of said city that lies within Fourteenth street, Thirtieth street, Broadway and Sixth avenue, and all that portion of the twentieth ward of said city that lies within Twenty-sixth street, Thirtieth street, Sixth avenue and North river.

Ninth. The ninth senate district shall consist of all that portion of the eighteenth, nineteenth and twenty-first wards of the city of New York that lies east of Third avenue and Blackwell's Island.

Tenth. The tenth senate district shall consist of all that portion of the twentieth and twenty-first wards of the city of New York, that lies within Thirtieth street, Fortieth street Third avenue and Eighth avenue, all that portion of the nineteenth ward of said city that lies west of Third avenue, and all that portion of the twelfth and twenty-second wards that lies east of Eighth avenue, Ward's and Randall's Islands.

Eleventh. The eleventh senate district shall consist of the twenty-third and twenty-fourth wards of the city of New York, and all that portion of the twelfth, twentieth and twenty-second wards of said city that lies within Thirtieth street, Spuyten Duyvel creek, Eighth avenue and Hudson river.

Twelfth. The twelfth senate district shall consist of the counties of Westchester and Rockland.

Thirteenth. The thirteenth senate district shall consist of the counties of Orange and Sullivan.

Fourteenth. The fourteenth senate district shall consist of the counties of Ulster, Schoharie and Green.

Fifteenth. The fifteenth senate district shall consist of the counties of Dutchess, Columbia and Putnam.

Sixteenth. The sixteenth senate district shall consist of the counties of Rensselaer and Washington.

Seventeenth. The seventeenth senate district shall consist of the county of Albany.

Eighteenth. The eighteenth senate district shall consist of the counties of Saratoga, Fulton, Hamilton, Montgomery and Schenectady.

Nineteenth. The nineteenth senate district shall consist of the counties of Clinton, Essex and Warren.

Twentieth. The twentieth senate district shall consist of the counties of St. Lawrence, Franklin and Lewis.

Twenty-first. The twenty-first senate district shall consist of the counties of Oswego and Jefferson.

Twenty-second. The twenty-second senate district shall consist of the county of Oneida.

Twenty-third. The twenty-third senate district shall consist of the counties of Madison, Otsego and Herkimer.

Twenty-fourth. The twenty-fourth senate district shall consist of the counties of Delaware, Chenango and Broome.

Twenty-fifth. The twenty-fifth senate district shall consist of the counties of Onondaga and Cortland.

Twenty-sixth. The twenty-sixth senate district shall consist of the counties of Cayuga, Seneca, Tompkins and Tioga.

Twenty-seventh. The twenty-seventh senate district shall consist of the counties of Chemung, Steuben and Allegany.

Twenty-eighth. The twenty-eighth senate district shall consist of the counties of Wayne, Ontario, Schuyler and Yates.

Twenty-ninth. The twenty-ninth senate district shall consist of the counties of Monroe and Orleans.

Thirtieth. The thirtieth senate district shall consist of the counties of Wyoming, Genesee, Livingston and Niagara.

Thirty-first. The thirty-first senate district shall consist of the county of Erie.

Thirty-second. The thirty-second senate district shall consist of the counties of Cattaraugus and Chautauqua.

Members
of as-
sembly.

§ 2. The number of members of assembly of this State hereafter to be chosen in the several counties thereof shall be as follows:

In the county of Albany, four.

In the county of Allegany, one.

In the county of Broome, one.

In the county of Cattaraugus, two.

In the county of Cayuga, two.

In the county of Chautauqua, two.

In the county of Chemung, one.

In the county of Chenango, one.

In the county of Clinton, one.

In the county of Columbia, one.

In the county of Cortland, one.

In the county of Delaware, one.

In the county of Dutchess, two.

In the county of Erie, five.

In the county of Essex, one.

In the county of Franklin, one.

In the counties of Fulton and Hamilton, one.

In the county of Genesee, one.

In the county of Greene, one.

In the county of Herkimer, one.

In the county of Jefferson, two.
 In the county of Kings, twelve.
 In the county of Lewis, one.
 In the county of Livingston, one.
 In the county of Madison, one.
 In the county of Monroe, three.
 In the county of Montgomery, one.
 In the county of New York, twenty-four.
 In the county of Niagara, two.
 In the county of Oneida, three.
 In the county of Onondaga, three.
 In the county of Ontario, one.
 In the county of Orange, two.
 In the county of Orleans, one.
 In the county of Oswego, two.
 In the county of Otsego, two.
 In the county of Putnam one.
 In the county of Queens, two.
 In the county of Rensselaer, three.
 In the county of Richmond, one.
 In the county of Rockland, one.
 In the county of St. Lawrence, three.
 In the county of Saratoga, two.
 In the county of Schenectady, one.
 In the county of Schoharie, one.
 In the county of Schuyler, one.
 In the county of Seneca, one.
 In the county of Steuben, two.
 In the county of Suffolk, one.
 In the county of Sullivan, one.
 In the county of Tioga, one.
 In the county of Tompkins, one.
 In the county of Ulster, three.
 In the county of Warren, one.
 In the county of Washington, two.
 In the county of Wayne, two.
 In the county of Westchester, three.
 In the county of Wyoming, one.
 In the county of Yates, one.

§ 3. The supervisors of each of the aforesaid counties, which are, by the provisions of this act, entitled to more than one member of assembly except in the city and county of New York, and in said city and county, the board of aldermen of said city, shall meet on the third Tuesday of June next, at the place where their meetings were last held; they shall organize by appointing one of their number as chairman and another as secretary, and shall proceed to divide their respective counties into so many assembly districts as they are entitled respectively to members of assembly under this act, and shall thereupon make their certificates respectively, containing a description of each assembly district, specifying the number of each district, and the population thereof according to the last State census. Said certificate shall be signed by a majority of such supervisors respectively, except in the city and county of New York, and in said city and county by a majority of the board of aldermen of said city, and they shall cause duplicate certificates to be filed in the office of the secretary of State and the office of the clerk of their respective counties.

Supervisors to divide counties into assembly districts.

§ 4. This act shall take effect immediately.

CHAP. 210.

Code of
Civil Pro-
cedure.

AN ACT to amend section five of chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice, and civil proceedings."

PASSED April 25, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
§ 5, ch. 448,
Laws 1876.

SECTION 1. Section five of chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice, and civil proceedings," is hereby amended so as to read as follows:

Courts
when sit-
tings to be
private.

§ 5. The sittings of every court within this State shall be public, and every citizen may freely attend the same, except that in all proceedings and trials in cases for divorce, on account of adultery, seduction, abortion, rape, assault with intent to commit rape, criminal conversation, and bastardy, the court may, in its discretion, exclude therefrom all persons who are not directly interested therein, excepting jurors, witnesses and officers of the court.

§ 2. This act shall take effect immediately.

CHAP. 211.

Evidence. AN ACT to amend chapter two hundred and nineteen of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to evidence in civil and criminal cases."

PASSED April 25, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 219,
Laws 1878.

SECTION 1. Section one of chapter two hundred and nineteen of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to evidence in civil and criminal cases," is hereby amended so as to read as follows:

Evidence
of acts, or
ordinances,
etc., of
municipal
corporations.

§ 1. Any act, ordinance, resolution, by-law, rule or proceeding of the common council of a city, or of the board of trustees of an incorporated village, or of a board of supervisors of any county within this State, and any recital of occurrences, taking place at the sessions of any thereof, may be read in evidence on any trial, examination or proceeding, whether civil or criminal, either from a copy thereof certified by the clerk of the city, village, common council or board of supervisors, or from a volume printed by authority of the common council of the city or board of supervisors of the county, or of the board of trustees of any incorporated village.

§ 2. This act shall take effect immediately.

Ante, p. 806. Amended by adding the clause "or of the board of trustees of any incorporated village."

CHAP. 212.

AN ACT to provide for the distribution of the acts passed by the legislature to town clerk's offices.

Distributions of acts.

PASSED April 25, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the secretary of State to forward by mail, or by express, to the clerks of each of the counties of this State a sufficient number of printed slips of the acts passed by the legislature at each session, as soon as approved by the governor, to supply the clerk of each town and incorporated village in their respective counties with one copy thereof.

Secretary of State to distribute.

As amended by L. 1880, ch. 76. The amendment consists of adding the words "or by express," after the word "mail."

§ 2. It shall be the duty of the clerk of each of the counties of this State, immediately upon receiving such slips of acts, to forward by mail one copy thereof to the clerk of each town and village in their respective counties.

County clerks to re-distribute.

§ 3. Each of the town and village clerks so receiving such slips shall keep and preserve the same in their respective offices for at least one year, and all persons shall have access thereto.

Town and village clerks to preserve.

§ 4. This act shall take effect immediately.

CHAP. 214.

AN ACT relating to plankroad and turnpike companies.

PASSED April 25, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any plankroad or turnpike company shall have power and is authorized to lay iron rails on their road suitable for the use of wagons and vehicles drawn by horses going over its road, except in the counties of Cortland, Orleans, Kings, Oneida, New York and Steuben.

May lay iron rails.

§ 2. Nothing contained in this act shall permit or authorize the using of steam on any plankroad or turnpike.

Steam not authorized.

§ 3. This act shall take effect immediately.

CHAP. 217.

AN ACT in relation to oil wells.

Oil wells.

PASSED April 26, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All owners of and operators of oil lands in this State shall, in a practical manner, plug their wells when left or abandoned, at a proper depth, with wood and sediment, in a manner sufficient to

Abandoned wells to be plugged.

exclude all fresh water from the oil-bearing rock, and prevent the flow of oil or gas into the fresh water.

Penalty.

§ 2. Any person found guilty of violating the provisions of this act shall be fined not less than twenty-five, nor more than one hundred dollars, for each and every offense, which shall be paid one-half to the informer and one-half to the school district in which the offense is committed, which shall be collected in like manner as other fines are now by law collected.

When
others
may enter
and plug.

§ 3. Whenever the owner of any well has abandoned the same or does not reside in the county in which it is situated, any person owning property adjoining may enter in and take possession of any well, for the purpose of carrying out the provisions of the first section of this act, where the owner has refused or neglected to plug said well so as to shut off the fresh water from the oil rock, and to exclude the gas and oil from the fresh water, as provided in section one, and the owner of said well shall be liable to pay to such person the expense of plugging said well.

§ 4. This act shall take effect immediately.

CHAP. 227.

AN ACT for the protection of life and limb.

PASSED April 26, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Throwing
knives,
etc., and
shooting
at individ-
uals pro-
hibited.

SECTION 1. It shall not be lawful for any lessee or occupant of any place of amusement, or any plat of ground or building, to use or allow the same to be used for the exhibition of skill in throwing a knife or knives, sword or swords, or any sharp instrument, at or toward any human being ; nor shall it be lawful for any such lessee or occupant to permit* or allow for the same purpose, the use of a bow-gun, pistol, or other fire-arm of any description whatever, to be discharged, or aimed at or toward any human being.

Penalty.

§ 2. A violation of any of the provisions of this act shall be a misdemeanor.

Fines.

§ 3. All fines recovered under the provisions of this act shall be paid to the county treasurer of the respective counties where such violation occurs, for the support of the poor in such counties.

§ 4. This act shall take effect immediately.

* So in the original.

CHAP. 228.

AN ACT to amend chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five entitled "An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof." Villages.

PASSED April 26, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of the "Act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof," is hereby amended so as to read as follows : Amending
ch. 181,
Laws 1875.

§ 5. Before entering, taking or using any lands for the purpose of this act, the said water commissioner shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, by and on which the land of each owner or occupant shall be designated, which map shall be signed by the president of said water commissioners and their secretary, and be filed in the office of the county clerk of the county in which the said lands are situated ; and upon such filing said water commissioners, by any of their officers, agents or servants, may enter upon any lands so designated for the purpose of prosecuting the construction of their works. Furnish-
ing water.
Survey
and map
to be
made.

§ 2. This act shall take effect immediately.

Ante, p. 78.

CHAP. 240.

AN ACT to amend chapter four hundred and four of the laws of eighteen hundred and seventy-eight, entitled "An act to provide for the support, treatment and care of pauper, destitute and delinquent children." Pauper
destitute
and delin-
quent
children.

PASSED April 30, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter four hundred and four of the laws of eighteen hundred and seventy-eight entitled "An act to provide for the support, treatment and care of pauper, destitute and delinquent children," is hereby amended so as to read as follows : Amending
ch. 404,
Laws 1878.

§ 1. It shall not be lawful for any justice of the peace, boards of charities, police justice or other magistrate, to commit any child under sixteen years of age as vagrant, truant or disorderly, to any jail, county poor-house or alms-house, but such justices of the peace, boards of charities, police justices, or other magistrates, shall commit such child or children to some reformatory or other institution, as provided for in the case of juvenile delinquents, but in case of any such commitment such justice of the peace, board of charities, police justice or other magistrate, shall immediately give notice to the superintendents of the poor or other authorities having charge of the poor of the county in which such commitment was made, Where
children
under
sixteen to
be com-
mitted.

Notice to
superin-
tendent
of poor.

Children
not to be
sent to,
or retained
in county
poor-
house.

Supervisors
to take
necessary
action.

Religious
faith to
govern se-
lection of
asylums.

giving the name and age of the person committed, to what institution and the time for which committed; nor shall it be lawful for any county superintendents or overseer of the poor or board of charity or other officer, to send any child between the ages of two and sixteen years as a pauper, to any county poor-house or alms-house for support and care, or to retain any child between the ages of two and sixteen years in such poor-house or alms-house; but such county superintendents, overseers of the poor, boards of charities or other officers, shall provide for such child or children in families, orphan asylums, hospitals or other appropriate institutions, as now provided by law. The boards of supervisors of the several counties, and the board of estimate and apportionment of the county of New York, are hereby directed to take such action in the matter as may be necessary to carry out the provisions of this act. When any such child is committed to any orphan asylum or reformatory, it shall, when practicable, be committed to an asylum or reformatory that is governed or controlled by persons of the same religious faith as the parents of such child.

§ 2. The second section of said act is hereby repealed.

§ 3. This act shall take effect immediately.

Ante, p. 658.

CHAP. 247.

Banking.

AN ACT to regulate deposits of stocks in the bank department by banks, banking associations and individual bankers.

PASSED May 5, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Deposits
of stock
in bank
depart-
ment.

SECTION 1. Whenever, under existing laws, any bank, banking association or individual banker, is required to make a deposit of stock with the superintendent of the bank department in trust for such corporation or individual banker, it shall be lawful for any such bank, banking association or individual banker, to deposit any interest-bearing stock of the State of New York, or of the United States, with such bank superintendent. It shall also be lawful for any bank, banking association or individual banker now having a deposit of stocks of the State of New York, or of the United States, in said bank department, to withdraw the same from the said bank department after first delivering to the superintendent of the bank department an equal amount, at par, of any other stock of the State of New York, or of the United States, which bears interest, which such bank, banking association or individual banker may prefer to deposit in said department.

§ 2. This act shall take effect immediately.

Ante, vol. 4, pp. 184, 149; vol. 7, p. 107; vol. 9, pp. 90, 91; vol. 10, p. 378.

CHAP. 248.

AN ACT for the relief of policy-holders in life insurance companies. Life Insurance.

PASSED May 5, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All policies of insurance heretofore or hereafter issued within the State of New York upon the lives of husbands for the benefit and use of their wives, in pursuance of the laws of the State, shall be, from and after the passage of this act, assignable by said wife with the written consent of her husband ; or in case of her death, by her legal representatives, with the written consent of her husband to any person whomsoever, or be surrendered to the company issuing such policy, with the written consent of the husband. Assignment of policies for benefit of married women.

§ 2. This act shall take effect immediately.

Prior to this act such policies were not assignable. *Eadie v. Slimmon*, 26 N. Y. 9 ; *Bliss on Life Ins.* 560 ; 6 Abb. N. C. 409 ; 13 Hun, 238, 44 Supr. (J. & S.) 148 ; 76 N. Y. 585.

CHAP. 249.

AN ACT in relation to the acknowledgment by married women of deeds and other written instruments. Acknowledgments.

PASSED May 5, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The acknowledgment by married woman of deeds and other written instruments may be made, taken and certified, in the same manner as if they were sole ; and all acts and parts of acts, which require from them any other or different acknowledgments or certificates thereof, are hereby repealed. By married women.

§ 2. This act shall take effect immediately.

Amended by L. 1880, ch. 300 ; *post*, p. 978.

CHAP. 250.

AN ACT to amend chapter three hundred and ninety-seven of the laws of eighteen hundred and seventy-three, entitled "An act for the incorporation of Fire, Hose and Hook and Ladder Companies." Fire companies.

PASSED May 5, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter three hundred and ninety-seven of the laws of eighteen hundred and seventy-three, is hereby amended by adding thereto a section to be numbered section eleven, which section shall read as follows : Amending ch. 397, Laws 1873.

Exemption from taxation.

§ 11. The members of any fire company organized under the provisions of this act, and situated within any incorporated village may be exempted from taxation to the amount of five hundred dollars on any village assessment for village purposes, and from highway poll tax in addition to the exemptions now enumerated by law and the real and personal property of any such company may be exempted from like village taxation, provided that at any general election or at any special election called for that purpose, a majority of the legal voters of such village shall vote in favor thereof, and at any such election the vote shall be by ballot, and the ballots shall be indorsed "for" or "against exemption from taxation of the members of the fire company," and a similar ballot indorsed "for" or "against the exemption of the real and personal property of the fire company." Such election shall be held in the same manner and by the same officers as at a general election in said village.

§ 2. This act shall take effect immediately.

Ante, vol. 9, p. 603.

CHAP. 252.

Benevolent, etc. societies.

AN ACT to amend chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies."

PASSED May 5, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending ch. 319. Laws 1848.

SECTION 1. Section one of chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," is hereby amended so as to read as follows:

Incorporation.

§ 1. Any five or more persons of full age, citizens of the United States, a majority of whom shall be citizens of this State, who shall desire to associate themselves for benevolent, charitable, scientific or missionary purposes, may make, sign and acknowledge before any officer authorized to take the acknowledgment of deeds in this State, and file in the office of the secretary of State, and also in the office of the clerk of the county in which the business of such society is to be

Certificate.

conducted, a certificate in writing in which shall be stated the name or title by which such society shall be known in law, the particular business and object of such society, the number of trustees, directors or managers to manage the same, and the names of the trustees, directors or managers of such society for the first year of its existence; and any corporation organized, or which may hereafter be organized, under the provisions of this act, may from time to time change the title of the members of their managing board, or increase or reduce the number thereof to not less than five, on the consent in writing of two-thirds of their number. Such amendment to be filed with the original certificate, but such certificate or amendment thereof shall not be filed unless by the written consent and approbation of one of the justices of the supreme court of the district in which the place of business or principal office of such company or association shall be located, to be indorsed on such certificate.

Managing board.

Filing certificate.

§ 2. This act shall take effect immediately.

Ante, vol. 8, pp. 705 710.

CHAP. 253.

AN ACT to amend chapter one hundred and twenty-one of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-six, entitled 'An act to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled 'An act to provide for the incorporation of companies to construct plank-roads and of companies to construct turnpike roads, passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporate existence;'" also to amend chapter one hundred and thirty-five, laws of eighteen hundred and seventy-six.

Plank-
road and
Turnpike
companies.

PASSED May 5, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter one hundred and twenty-one of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter one hundred and thirty-five, laws of eighteen hundred and seventy-six, entitled 'An act to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled 'An act to provide for the incorporation of companies to construct plank-roads and of companies to construct turnpike roads,'" passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporate existence," is hereby amended so as to read as follows :

Amending
ch. 121.
Laws 1878.

§ 1. Any plank-road company or turnpike company which shall have been formed under and by virtue of an act entitled "An act to provide for the incorporation of companies to construct plank-roads and of companies to construct turnpike roads," pass* May seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof, or under and by virtue of any act of the legislature of the State of New York, and which shall have managed and carried on any plank-road or turnpike road, or which shall own any plank-road or turnpike road that has been managed and carried on for twenty years last past, upon three miles in length thereof, or not less than one-third of the route named in their original articles of association, may at any time within five years before the termination of its corporate existence, or of the time specified for its duration in its articles of association, continue its corporate existence, for a period not exceeding thirty years, by first obtaining the consent, by resolution, of a majority of all the members of the board of supervisors of the county or counties in which any such road is located, adopted at any regular or special meeting thereof, and by filing and recording in the office of the clerk of the county or counties in which such plank-road or turnpike road is located, within one month before the expiration of the term of the corporate existence of such company, and in the office of the secretary of State, such consent and a statement showing the actual capital expended in the construction of any such plank-road or turnpike road, or the price paid on the purchase of any such road or franchise, exclusive of repairs, together with the consent in writing from the persons owning two-thirds of the capital stock of such company, and in which shall also

Corporate
existence,
how con-
tinued.

be stated the number of years which they shall desire such corporate existence extended ; also the name of each town or ward through or into which the said road passes. Such statement shall be made by the president and treasurer of such company, and they shall annex or indorse thereon their affidavit of the above requirements.

Amending
ch. 135,
Laws 1876.

§ 2. Section six of chapter one hundred and thirty-five, laws of eighteen hundred and seventy-six, is hereby amended so as to read as follows :

§ 6. The provisions of this act shall apply to all the counties of this State except the countyies* of Kings, Yates, Quenes,* Seneca and St. Lawrence.

§ 3. This act shall take effect immediately.

Ante, pp. 287, 584 ; vol. 8, p. 549.

CHAP. 254.

Notaries
Public.

AN ACT to amend chapter eighty-seven of the laws of eighteen hundred and seventy-five, entitled "An act providing for the appointment of additional notaries public."

PASSED May 5, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 87,
Laws 1876.

SECTION 1. Section one of chapter eighty-seven of the laws of eighteen hundred and seventy-five, entitled "An act providing for the appointment of additional notaries public," is hereby amended so as to read as follows :

Additional
notaries
public may
be ap-
pointed.

§ 1. The governor is hereby authorized and empowered, by and with the consent of the senate to appoint in each county, except the city and county of New York, notaries public equal to ten for each assembly district, and in said city and county two hundred and fifty notaries public in addition to the number now allowed by law ; provided, however, that in each county which is a single assembly district, the additional number of notaries public be fifteen. And hereafter, at the time of subscribing or filing the oath of office, the county clerk of each county, and the clerk of the city and county of New York, shall collect from the person appointed, the sum of fifty cents, and the said clerks respectively, shall annually account therefor to the State treasurer. But such clerks shall be entitled to retain from the gross amount so received, the fees now allowed by law to them from the State for notifying such notaries public of their appointment to office, for giving notice to the governor of such notaries public as have taken the oath of office, and for giving such notice of notaries public who have neglected to take the oath of office or of vacancies created for any cause in such office.

Fee.

§ 2. This act shall take effect immediately.

Ante, p. 58.

* So in original.

CHAP. 264.

AN ACT to amend chapter four hundred and sixty-seven* of the laws of eighteen hundred and sixty-five, entitled "An act to amend an act entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May second, eighteen hundred and sixty-four." Public In-
struction.

PASSED May 8, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section nine of chapter four hundred and sixty-seven* of the laws of eighteen hundred and sixty-five, entitled "An act to amend an act entitled 'An act to revise and consolidate the general acts relating to public instruction,' passed May second, eighteen hundred and sixty-four," is hereby amended so as to read as follows : Amending
ch. 467,
Laws 1865.

§ 9. To contract with and employ all teachers in the district school or schools, but no person who is within two degrees of relationship by blood or marriage to any such trustee shall be so employed, except with the approval of two-thirds of the voters of such district present, and voting upon the question, at an annual or special meeting of the district, nor shall any sole trustee of a district make any contract for the employment of a teacher in and for said school district beyond the close of the school term commencing next preceding the expiration of his term of office, except with the approval of a majority of the voters of such district present, and voting upon the question at an annual or special meeting of the district; nor shall the trustees of any school district having three or more trustees, make any contract for the employment of a teacher or teachers, for more than one year in advance. Any person employed in disregard of the foregoing provisions shall have no claim for wages against the district, but may enforce the specific contract made against the trustee or trustees consenting to such employment as individuals.

§ 2. This act shall take effect immediately.

Ante, vol. 6, pp. 560, 562, 336.

CHAP. 267.

AN ACT to amend section three of chapter one hundred and ninety-seven of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the erection of town houses." Town
Houses.

PASSED May 8, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of chapter one hundred and ninety-seven of the laws of eighteen hundred and forty-seven is hereby amended so as to read as follows : Amending
ch. 197,
Laws 1847.

§ 3. Conveyances for sites shall be made to the towns; sites shall be purchased and houses erected by the supervisor, town clerk and the justices of the town, and the house shall be controlled by the supervisor and the justices of the peace, or a majority of them, and the electors may from time to time vote such sum of money as may be necessary to keep any town house in repair and insured. Erection
and con-
trol of
town
houses.

§ 2. This act shall take effect immediately.

Ante, vol. 3, p. 310.

* So in the original. The chapter which it was obviously intended to amend is chapter 467 of the Laws of 1865. Chapter 467 relates to the "Onondaga County Savings Bank."

CHAP. 268.

New York. **AN ACT** relating to the office of commissioner of jurors of the county of New York.

PASSED May 8, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioner of
jurors to
receive
salary.

SECTION 1. The commissioner of jurors in the city of New York, hereafter appointed, shall be paid in full satisfaction for his services, a yearly salary of five thousand dollars, and shall be allowed for contingent expenses, including clerk hire and all other incidental expenses, a sum not to exceed six thousand dollars per annum, which shall be audited and paid as the expenses of other officers of said city and county are audited and paid; and said salary and allowance shall be in lieu of all fees or compensation heretofore a charge upon the county of New York or the mayor, aldermen and commonalty of the city of New York.

Fixing
salaries.

§ 2. It shall be the duty of the board of estimate and apportionment of said city, from time to time, as it may determine, to fix the salaries to be paid as in this statute directed. The salaries in this act provided for shall be paid monthly by the mayor, aldermen and commonalty of the city of New York.

How paid.

Jurors'
fines.

§ 3. The fees known as jurors' fees or fines shall be paid into the treasury for the benefit of the sinking fund for the reduction of the city debt.

Repeal.

§ 4. All acts or parts of acts inconsistent with this act are hereby repealed; but such repeal shall not take effect until the expiration of the term of office of the present commissioner of jurors.

See Co. Civ. Proc., secs. 1091, 1093, 1118, 8330, 3335.

CHAP. 272.

Appropri-
ations. **AN ACT** making appropriations for certain expenses of government, and supplying deficiencies in former appropriations.

PASSED May 13, 1879; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

The following paragraph of this act, not being of merely temporary interest, is inserted here:

Hereafter no person who has not resided within this State for at least one year next prior to application for his or her admission into any State asylum for the idiotic, blind, insane or deaf and dumb, shall be admitted as an inmate therein.

* The above paragraph was amended by ch. 549, L. 1880 (passed June 7, 1880), by substituting the word "pauper" for the word "person" in the first line.

CHAP. 275.

AN ACT to authorize boards of supervisors to appoint a commissioner or commissioners to receive and expend any moneys heretofore set apart or appropriated by any act or acts of the legislature of this State for highway or bridge purposes, and not yet expended, and to legalize any such appointments heretofore made. Highways.

PASSED May 13, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In any case where, by any act or acts of the legislature of this State, any non-resident highway taxes have been specially set apart or appropriated for the construction or maintenance of any roads or bridges, and any commissioner or commissioners appointed therefor, and where by reason of the expiration of the official life of the commissioner or commissioners so appointed to receive, expend and account for said non-resident highway taxes, any balance or remainder so set apart or appropriated has not been so received or expended, it shall be lawful for the boards of supervisors of the counties wherein said non-resident lands are situated to appoint a commissioner or commissioners to receive and expend any such unexpended balance, under the same regulations and conditions for the faithful performance of his or their duties as were provided for in said original act or acts ; and any act or acts of any board of supervisors appointing such commissioner or commissioners in anticipation of the passage of this act, are hereby ratified and confirmed. Commissioners to expend State appropriations for highways.

§ 2. This act shall take effect immediately.

Ante, p. 159, subd. 12.

CHAP. 280.

AN ACT to abolish the New York State Inebriate Asylum and to establish the Binghamton Asylum for the Chronic Insane, and to provide for the management thereof. Binghamton Asylum for Chronic Insane.

PASSED May 13, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The institution heretofore established, and now known as the New York State Inebriate Asylum, at Binghamton, is hereby abolished ; and all the property and privileges belonging to this State, and now managed and administered by the managers of said inebriate asylum, are hereby transferred and entrusted to the care and management of the Binghamton Asylum for the Chronic Insane, which is hereby established. The governor, by and with the advice and consent of the senate, shall appoint nine citizens of this State as a board of trustees of such asylum for the insane, who shall be divided into three equal classes ; the first class to hold office for two years, the second State Inebriate Asylum abolished.
Binghamton Asylum for Chronic Insane.
Board of trustees.

class four years, and the third class six years, from and after the passage of this act, and until their successors are appointed and enter upon the discharge of their duties. The governor is hereby authorized by and with the advice and consent of the senate, to fill all vacancies hereafter occurring in said board of trustees, either by reason of the expiration of the term of service, or for any other cause.

Closing up
of inebri-
ate asylum
and trans-
fer of prop-
erty.

§ 2. Immediately after the passage of this act, the managers of said inebriate asylum shall begin their preparation to close up the affairs of the same, and shall give free access and opportunity to the agents, mechanics and laborers to be employed by the trustees of said asylum for the chronic insane, to enter upon said property for the purpose of preparing the same for the uses of such insane asylum; and upon the expiration of thirty days from and after the passage of this act, the said managers, their officers, agents, employees and servants shall vacate such property, and leave the same to the possession, control and management of the trustees appointed under the first section of this act.

Meeting of
trustees.

§ 3. Within fifteen days from and after their appointment, the said trustees shall meet in the administration rooms of said asylum, and select by lot two of their number for each class into which their number has been divided by the first section of this act, and shall, by ballot, by a majority vote, designate one of their number as their chairman, and in like manner shall designate one of their number as secretary of their board.

Inventory
of prop-
erty trans-
ferred.

§ 4. Upon surrendering possession of said property to said trustees, the said managers shall make out and file with the said trustees, a true and full inventory, in duplicate, of all the property so to be transferred; and the said trustees shall receipt for and take possession of such property, delivering to said managers one copy of said inventory, receipted by their chairman and secretary, and shall transmit to the comptroller of this State the other copy of said inventory so receipted; and thereupon the said managers shall be relieved from further liability for the care and custody of such property so transferred.

Alteration
and
repair of
building.

§ 5. The said trustees, whenever organized as provided in the third section of this act, shall devise and prepare plans for the alteration and repair of the buildings of said asylum, and for additional buildings thereto, in a plain and substantial style of architecture suitable for the purposes of an asylum for the chronic insane, which plans with full specifications of the same shall be submitted by them to the State board of charities for approval, adoption or modification by them; and upon the adoption by said State board of charities of such plans, the said trustees shall proceed to contract for such repairs and alterations, and for the erection of such additional buildings, in pursuance of said plans and specifications so approved or modified; the aggregate cost of which repairs and alterations, and for such additional buildings, shall not exceed the sum hereinafter appropriated for such purposes. The said trustees shall select one of their number, or some other suitable person to superintend such repairs and alterations, and the erection of such additional buildings who shall receive for his services and expenses therein, such sums of money as the board of trustees shall deem reasonable and just, to be paid to him out of such sums as are herein appropriated for such repairs and alterations, and for the erection of such additional buildings, not to exceed six dollars per day for each day of service. The said trustees and the said building superin-

tendent shall have no interest, direct or indirect, in any contract for such repairs and alterations, or for the erection of such additional buildings, or for furnishing materials or labor for the same, and the said building superintendent shall be subject to removal by such board of trustees.

§ 6. The sum of sixty-seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purposes of such repairs and alterations and for the erection of such additional buildings and for maintenance, furnishing and incidental expenses attending the organization of the asylum, and the further sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay off and discharge the obligations of the managers of the New York State Inebriate Asylum, now due or to become due on the first day of May, eighteen hundred and seventy-nine, which sum of five thousand dollars, or so much thereof as may be necessary, shall be paid by the State treasurer, on the warrant of the comptroller by the order of said board of managers upon the presentation to the comptroller by them of a certified schedule of all existing indebtedness of said inebriate asylum, provided the said managers convey and deliver to the trustees of the Binghamton Asylum for the Chronic Insane when appointed, all the personal property belonging to the asylum and farm, and now used for the purposes of such asylum and farm, and estimated by said managers to be of the value of at least twenty thousand dollars; and the treasurer shall pay to the order of said trustees on the warrant of the comptroller, such sum or sums of money as may be required by them in the execution of their trust, and at such times as the same may be needed for the purposes aforesaid; and the said trustees shall, as often as the comptroller may require the same, and upon the completion of said contract, make to him a true and detailed report of all moneys received by them by virtue of this act, and of all expenditures of the same, and shall truly account for all moneys received by them, whether expended or remaining in their hands.

Appropriation for repairs, etc.

§ 7. The said trustees shall have the general direction, management and control of all the property and concerns of the said asylum, not otherwise provided for by law, and shall see that the design of its institution shall be carried into effect, and every thing faithfully done according to law and the by-laws, rules and regulations of the asylum; and shall make full report in each year ending on the thirtieth day of September of their doings to the legislature in the first week of each annual session thereof.

Power of trustees.

§ 8. The said trustees shall appoint a superintendent, who shall be a well educated physician of experience with treatment of the insane, and a treasurer, who shall give bonds to the people of this State, in such sum and with such sureties as the comptroller shall approve, for the faithful performance of his duties and trust. They shall also appoint upon the nomination of the superintendent a steward, two assistant physicians and a matron, all of whom, as well as the superintendent, shall constantly reside in the asylum, and be designated the resident officers thereof.

Superintendent.

Other officers.

§ 9. The said trustees shall, from time to time, fix and determine the annual salaries and allowances of the treasurer and the resident officers of the asylum, subject to the approval of the governor, secretary of State and comptroller, provided that such salaries do not, in the

Salaries.

aggregate, exceed the sum of ten thousand and five hundred dollars for one year, which salaries shall be paid quarterly on the first days of January, April, July and October in each year, by the treasurer of the State, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, to the order of the treasurer of the asylum, on his presenting a bill therefor, duly signed by the steward and certified as correct by the superintendent, and thereupon by the treasurer of the asylum to the officers entitled to the same, taking proper receipts therefor in a book to be kept by him for that purpose.

Oath of
office.

§ 10. Before entering upon the discharge of their respective duties, the treasurer, superintendent, and steward of the asylum shall severally take and subscribe the oath of office prescribed in the first section of the twelfth article of the constitution of this State, and file the same in the office of the secretary of State.

By-laws.

§ 11. The said trustees are hereby directed and empowered, subject to the approval of the State board of charities, to establish such by-laws as they may deem necessary and expedient for regulating the appointment and duties of officers, assistants and employees, and also to ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the asylum.

Powers
and duties
of superin-
tendent.

§ 12. The superintendent shall be the chief executive officer of the asylum. He shall have the general superintendence of the buildings, their furniture and fixtures, the grounds and the farm and its stock, and the direction and control of all persons employed therein, subject to the by-laws, rules and regulations established by the trustees. He shall daily ascertain the condition of the inmates of the asylum, and prescribe* their treatment in the manner prescribed in the by-laws, and shall assign his co-resident officers to their respective duties, subject to the by-laws, and shall also appoint, subject to the approval of the trustees, and within the limit prescribed in the by-laws, such and so many other officers, assistants and attendants as he may deem necessary for the economical and efficient performance of the business of the asylum, and shall prescribe their several duties and compensations and shall have power to discharge the same at his pleasure; but in every case of discharge he shall forthwith record the same, with his reason therefor, under an appropriate heading in a book kept at the asylum for such purpose. He shall also have power for good and sufficient cause, to suspend from duty a resident officer until the next meeting of the board of trustees; but in such case he shall forthwith give written notice of his action, with its cause and circumstances, to one of the trustees, whose duty thereupon shall be to call a special meeting of the trustees, to provide for the exigency. He shall also, from time to time, give such orders and instructions as he may deem most expedient to insure good conduct, fidelity and economy in every department of the asylum; and he is hereby authorized and enjoined to maintain salutary discipline among all who are employed by or in the asylum, or on its grounds. He shall further cause full and true accounts and records of all his doings as superintendent and of the entire business and operations of the institution to be kept regularly from day to day, in books of record kept for such purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up in each year for the preceding year, to and including the last day of September, and shall,

*So in the original.

within thirty days thereafter, present to the trustees a succinct account of the principal facts and results so recorded, with his report thereon. The first assistant physician shall perform the duties and be subject to the responsibilities of the superintendent during the sickness or absence of the latter.

§ 13. The treasurer shall have the care and custody of all moneys belonging to the asylum. He shall open with one of the banks in the city of Binghamton, to be selected with the approbation of the comptroller of the State, an account in his own name as such treasurer; and he shall deposit all moneys immediately upon receiving them in such bank, and shall draw for the same only for the uses of the asylum, and in the manner prescribed in the by-laws, upon the written order of the steward, specifying the object of the payment. He shall keep full and accurate accounts of receipts and payments, in the manner directed by the by-laws, and such other accounts as the trustees shall direct. He shall balance all the accounts on his books annually, on the last day of September, and make a statement of the balances thereof, and an abstract of the receipts and payments of the preceding year, and submit the same to the auditing committee of the board of trustees within ten days thereafter, which committee shall compare the same with his books and vouchers, and verify the same by a further comparison with the books of the steward, and shall certify the result of their examination and audit to the board of trustees within ten days thereafter. He shall also render quarterly statements of his receipts and payments for the previous quarter, on or before the tenth day of January, April, July and October in each year, to such auditing committee, who shall make like comparison, verification and certificate, as in the case of the annual balance and statement of accounts. He shall further render an account of the condition of his books, and of the funds and other property in his custody, whenever required to do so by the trustees or the superintendent.

Treasurer.

§ 14. The steward, under the direction of the superintendent, shall make all purchases for the asylum, and preserve the original bills and receipts therefor, and shall keep full and accurate accounts of the same, in books kept for such purpose; and also copies of all orders drawn by himself upon the treasurer. He shall also, under like direction, make contracts in the name of the superintendent with the attendants and assistants, and keep and settle their accounts; he shall also keep the accounts for the support of the inmates of the asylum and the expenses incurred in their behalf, and shall furnish the treasurer every month, a statement of such as fall due within the month; he shall make for the information and inspection of the superintendent, treasurer and trustees, quarterly abstracts of all accounts up to the last days of March, June, September and December, and submit the same to the superintendent within five days thereafter in each case; and he shall be accountable for the careful keeping and economical use of all furniture, stores and other articles provided for the asylum.

Steward.

§ 15. The resident officers of the asylum, and all attendants and assistants actually and regularly employed therein, shall, during the time of such employment, be exempt from serving on juries, from all assessments for labor on highways, and in time of peace from service in the militia; and the certificate of the superintendent of the fact of such employment shall be sufficient evidence thereof.

Exemption of resident officers and attendants.

Trustees' records.

§ 16. The trustees shall keep, in a book provided for that purpose, a full and true record of their doings, which shall be open at all reasonable times to the inspection of the governor, the comptroller, the State board of charities, and of all persons whom they, or either of them, or either house of the legislature may appoint to examine the same.

Trustees' visits.

§ 17. The trustees shall maintain an effective inspection of the asylum, for which purpose they shall make frequent visitations thereto, a majority of them at least once every three months, and the whole board once a year, at the times and in the manner prescribed in the by-laws. In a book kept for that purpose, the visiting trustees shall note the date of each visit, the condition of the asylum and inmates, with their opinion thereon, which all the trustees present shall sign. The general results of such inspection, with such suggestions for improvement as they may have recommended, shall be inserted in their annual report to the legislature.

Compensation of trustees.

§ 18. The trustees shall receive no compensation for their services, but shall receive such reasonable traveling and other expenses incurred necessarily by them as the comptroller shall approve, which shall be paid to them by the treasurer of the asylum.

Purchases.

§ 19. All purchases for the use of the asylum shall be made for cash, and not on credit or time; every voucher taken for the same shall be filled up at the time it is taken; every abstract of vouchers for money paid shall have attached thereto the oath of the steward that such vouchers were filled up and receipted, and the money paid therefor, at the time or times the same is therein purported to have been done, and the trustees shall make all needful rules and regulations to enforce the provisions of this section.

Removal of chronic insane from counties.

§ 20. The trustees of said asylum, as portions of the building from time to time may be completed for the reception of the insane, shall give notice thereof to the State board of charities, and also as to the number of patients they may be ready to receive. The chronic pauper insane, from the poor-houses of the counties which may be designated by the State board of charities therefor, shall be sent to the said asylum herein established, by the county superintendents of the poor; and such numbers of the chronic insane, pauper inmates of State lunatic asylums, from the counties thus designated, as may be discharged therefrom not recovered, and who continue a public charge, shall also be sent to said asylum; and all such patients shall be a charge upon the respective counties from which they are sent, whether such patient shall be sent by the superintendent of the poor, or by order of any court or officer thereof, or from lunatic asylums.

To be county charge.

Discharge of patients

§ 21. The trustees, upon the superintendent's certificate of entire recovery, may discharge any patient to the care of his or her friends, or to the care of the superintendent of the poor; or they may discharge any patient, upon the superintendent's certificate that such patient is harmless and will probably continue so, and is not likely to be improved by farther treatment in the asylum, to his or her friends who will present sufficient evidence that they are able to maintain and care for the same properly. They may also discharge and deliver any patient as aforesaid, whose relations or friends will undertake with good and approved sureties for his or her peaceable behavior, safe custody and comfortable maintenance without further public charge, and the bond of such sureties shall be approved by the county judge of the

county from which such patient was sent, and shall be filed in the county clerk's office of said county, upon the presentation of a certified copy thereof the trustees may discharge such patient; and in all such cases the trustees shall forthwith notify the superintendent of the poor of the proper county of such discharge and such guarantees. The State board of charities shall, by a specially appointed committee, annually visit the asylum, and on a personal inspection and due examination of its official records and on conferring with the superintendent, may direct the discharge or removal to the counties from whence they came, of any quiet and harmless chronic insane in the asylum, if in the judgment of the committee their health and comfort can properly be provided for by the superintendents of the poor of their respective counties.

Visits of
State
board of
charities.

§ 22. Whenever the trustees of said asylum, or the State board of charities shall order a patient removed from the asylum to the county whence he came, the superintendent of the poor of such county shall audit and pay the actual and reasonable expense of such removal as part of the contingent expenses of the poor of such county. But if any town, city or person be legally liable for the support of such patient, the amount of said expenses may be recovered by such superintendent, of the corporation or person so liable, for the use of such county. If such superintendent of the poor neglect or refuse to pay such expenses on demand, the treasurer of the asylum may pay the same and charge the amount thereof to such county, and the treasurer of said county is hereby authorized and required, on demand of the treasurer of said asylum, to pay the same with interest after thirty days; and the supervisors of such county shall levy and raise the amount thereof as other county charges are levied and collected.

Removal
from
asylum
County
superin-
tendent to
pay ex-
penses of.

Refusal of
superin-
tendent
to pay.

§ 23. The treasurer of every county having patients in said asylum is hereby authorized and directed to pay to the treasurer of the asylum all bills for the clothing and maintenance of such patients, as they shall become due and payable according to the by-laws of the asylum, upon the order of the steward; and the supervisors of said county shall annually levy and collect the amount of such bills as other bills and taxes are levied and collected by them, and also such further sums as will probably cover all similar bills for said county for one year in advance. Said county shall, however, have the right to require any individual, town, city or county that is legally liable for the support of such patient or patients, to reimburse it in the amount of said bills, with interest from the day of paying the same.

County
treasurers
to pay bills
for main-
tenance,
etc.

Supervisors
to levy
tax.

Towns to
reimburse.

§ 24. Every town, city or county, paying for the support of any inmate in said asylum shall have the right to require any other town, city or county, that is legally liable for his support to refund to it the amount so paid, with interest thereon from the time of payment.

Towns,
etc., may
require
other
towns,
legally li-
able, to
refund.

§ 25. All town and county officers sending a patient to said asylum shall, before sending him, see that he is in a state of bodily cleanliness, and is comfortably clothed, and provided with a suitable change of raiment, as prescribed by the by-laws of the asylum.

Local
officers to
attend to
cleanli-
ness, etc.,
of
patients
sent to
asylum.

§ 26. The charges for maintaining a patient in said asylum, in addition to the charge for clothing, shall be annually fixed by the trustees, and shall not exceed the actual cost thereof, exclusive of officer's salaries and appropriations for repairs; nor shall it exceed the rate required at the Willard Asylum.

Charges
for main-
tenance of
patients

Power of
supreme
court not
abridged.

§ 27. None of the provisions of this act shall restrain or abridge the power and authority of the supreme court of the State over the persons and alleged property of the insane.

§ 28. This act shall take effect immediately.

CHAP. 284.

New York
State Re-
formatory.

AN ACT to amend chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the imprisonment of convicts in the New York State Reformatory at Elmira, and the government and release of such convicts by the managers."

PASSED May 15, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 173,
Laws 1877.

SECTION 1. Section six of chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the imprisonment of convicts in the New York State Reformatory at Elmira, and the government and release of such convicts by the managers," is hereby amended so as to read as follows:

Transfer
of convicts
from State
prisons to.

§ 6. Whenever there is unoccupied room in the reformatory, the board of managers may make requisition upon the superintendent of prisons, who shall select such number as is required by such requisition from among the youthful, well-behaved and most promising convicts in the State prisons and county penitentiaries convicted of felony, and transfer them to the reformatory for education and treatment under the rules and regulations thereof. And the board of managers are hereby authorized to receive and detain, during the term of their sentence to the State prison or penitentiary, such prisoners so transferred; and the laws applicable to convicts in the State prisons, so far as they relate to the commutation of imprisonment for good conduct, shall be applicable to said convicts when transferred under this section.

§ 2. This act shall take effect immediately.

Ante, p. 394.

CHAP. 287.

Co-oper-
ative insur-
ance com-
panies.

AN ACT to provide for the formation of county and town co-operative insurance companies.

PASSED May 15, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Incorpora-
tion.

SECTION 1. It shall be lawful for any number of persons, not less than twenty-five, residing in one or more adjoining towns or in any county in this State who collectively own property of not less than fifty thousand dollars in value, which they desire to have insured, to form themselves into an incorporated company for the purpose of co-operative insurance against loss or damage by fire or lightning, by mak-

ing, signing and acknowledging before some officer by law authorized to take acknowledgments of conveyances of real estate a certificate of their intention to form such corporation stating the town or towns, or the county in which such company intends to do business, its corporate name which shall embrace the county in cases when the association includes a county, and the name of the town in cases of towns in which the business office of said company is located. Every person insured in said company shall sign an application for insurance as required by the articles of association and by-laws of the company, and thereby become a member thereof.

Certificate

Member-
ship.

Amended in 1880, ch. 397; *post*, p. 1005.

§ 2. Every company formed according to the provisions of this act shall choose of their members not less than five directors in the case of town insurance companies nor less than one director for every town in the case of county insurance companies within the territorial limits of said company, whose duty it shall be to manage the business of the company, who shall hold their office one year or until others are elected and qualified, and said directors shall choose from the members of said company a president and a secretary, and such other officers as their by-laws shall prescribe. All officers to be elected by ballot. The business and corporate powers of the companies incorporated under this act, shall be exercised by said board of directors subject to the by-laws of the company. The by-laws shall prescribe the number of said directors necessary to constitute a quorum for the transaction of business, and may provide for an executive committee for such purposes as may be necessary, and may require officers to give such bonds as the interests of the company may require.

Directors.

Amended in 1880; *post*, p. 1005.

§ 3. It shall be the duty of the first directors of any company organized under this act, before doing any business of insurance, to prepare a statement showing the name of the company, the names of the persons comprising the proposed company, with the amount of proposed insurance to each, the name of the association, a copy of the articles and by-laws of association, and the names of the county, town or towns comprising the territorial limits within which it is proposed to do business, the names of the directors and officers, with their post-office address, the place where the principal office for the transaction of business shall be located and the mode and manner in which the business of said company is to be conducted, and file a copy thereof, signed by said directors and officers, in each of the following offices, namely: in the office of the clerk of the county where the office of the company is located, and in case of town insurance companies in the office of the clerk of the town where the office of said company is located.

Statement
to be made
and filed.

§ 4. The persons so associating, after having filed the statement as required by section three, may open books to receive propositions and enter into agreements in a manner authorized by this act. But no company organized under this act shall do any business or issue any policies until *bona fide* agreements have been entered into covering property to be insured to the amount of not less than one hundred thousand dollars in cases of county associations, and fifty thousand dollars in cases of town associations.

When
business
may be
com-
menced.

§ 5. The directors of every company formed under this act shall procure proper books in which the secretary shall keep a perfect record of all the transactions of the company and of the board of directors, and shall show at all times fully and truly, the condition, affairs and business of said company, and shall be kept open for the inspection of

Records.

every member thereof from nine o'clock in the forenoon to four o'clock in the afternoon, Sundays and legal holidays excepted.

Policies.

§ 6. The directors of any company formed under this act may issue policies of insurance, signed by their president and secretary, agreeing in the name of said company to pay all damages not exceeding the amount insured, done to farm buildings detached at least one hundred feet, and other buildings not more hazardous, and their contents and live stock owned on the premises, caused by fire or lightning during the time mentioned in the policy of the insured loser; said directors shall not issue policies for less than one year nor for more than five years, and they shall not insure more than three thousand dollars in any one risk in town associations, and five thousand dollars in any one risk in county associations. The directors may issue more than one policy to one person, firm or corporation, having separate or detached buildings detached not less than one hundred feet that this act or the by-laws of the company do not prohibit the said company from insuring. Said policy so issued shall have attached thereto a printed copy of the by-laws and regulations of the company.

Amended 1880; *post*, p. 1006.

Undertaking of members to pay losses.

§ 7. Every person, firm or corporation or trustees so insured shall give his, her or their undertaking, binding him, her or them, their heirs and assigns, to pay their pro rata share to the company, of all losses or damages caused by fire or lightning which may be sustained by any member or members thereof; and every such undertaking shall be filed by the secretary of such company in the office of the company. He, she or they shall also pay such percentage in lawful money, and such reasonable sum for policies and expenses as may be required by the by-laws of said company.

Proceedings in case of loss.

§ 8. Every person holding a policy not expired or vitiated, who has sustained a loss by fire or lightning, shall immediately notify the president or secretary of the company of his loss, and it shall be the duty of the officers of the company to at once proceed to ascertain and adjust said loss in the manner provided by the charter and by-laws of said company, and by the provisions of this act.

Classification of risks.

Assessments on members.

§ 9. The companies formed under the provisions of this act may classify the property or buildings insured therein, at the time of insuring and issuing policies, under different rates, according to the risk from fire which may be attached to buildings insured. Whenever the amount of any loss is ascertained, which exceeds in amount the cash on hand of the company, the president or secretary, as shall be determined in the by-laws of the company, shall convene the directors or executive committee, who shall make an assessment upon all the property insured, pro rata, sufficient to pay what the cash in hand falls short of paying, or for the whole loss, as the directors or executive committee may decide is best for the interest of the company.

Notification of.

§ 10. It shall be the duty of the secretary, within ten days, to notify every person who belongs to this company, in writing, that an assessment has been made, and the amount due from him or them as their share of the loss, and the time when and to whom such amount must be paid; but no such time shall be less than thirty or more than ninety days from the time of such notice; the cost and expenses of collection to be regulated by the by-laws of the company.

Actions for assessments.

§ 11. Suits at law may be brought against any member or members of any company, organized under the provisions of this act by the president thereof, in the name of the company, in any of the courts of this State, of competent jurisdiction, to recover all assessments that any member neglects or refuses to pay when made upon him or

them under the provisions of this act or the by-laws of the company. Any member or members of any company formed under this act who refuses or neglects to pay his or their part of any assessment, or for any other reason satisfactory to the directors, may be excluded by a majority of the directors of the company from the company, and when thus excluded, the president shall cancel or withdraw his or their policy or policies, which shall prevent him or them recovering for any loss after exclusion by the directors; but nothing herein contained shall prevent the collection of such assessment in any suit at law. The officers of any company formed under this act, who shall neglect or refuse to perform the duties imposed upon them by the provisions of this act, shall be liable in their individual capacity for the amount lost to the person or persons who lose by their refusal or neglect.

Penalty for refusing to pay.

Penalty for neglect of duty by officers.

§ 12. No company organized pursuant to the provisions of this act shall insure any buildings or property out of the limits of the territory comprised in the articles of association adopted in the formation of the company, except where a person or member of the company, who has a farm extended beyond the line of the said limits in which he resides, has buildings on that part beyond, in which case such buildings and their contents may be insured, together with his other buildings; nor shall any company insure any property other than detached dwellings and their contents, farm buildings and their contents, distant one hundred feet from any other building and live stock owned upon such property.

Insuring property out of territory.

What property to be insured.

Amended 1880; *post*, p. 1006.

§ 13. The directors of any company organized under the provisions of this act shall be chosen by ballot, at the annual meeting of the company which shall be held on the second Tuesday of January, unless some other day be designated by the by-laws of any such company. At such meeting every person insured shall have one vote, and shall be entitled to vote by proxy at such elections, unless prohibited by the by-laws of the company.

Directors, how chosen.

Votes.

Amended 1880; *post*, p. 1006.

§ 14. It shall be the duty of the president and secretary of each and every company formed under the provisions of this act, to make a statement under oath, showing the condition of such company on the day preceding the election of officers, which shall contain the amount and kind of property insured; the number of policies issued each year from the time of the organization of such company up to the time of making such statement, and the names of the persons to whom issued during the year last passed, and the amount of such policy; the names of persons withdrawn or excluded from the company, with the amount of insurance of each; the whole amount of moneys received by such company during the year, together with an itemized account of the same and the source whence derived; the amount of disbursements, together with an itemized account of the same; including salaries of officers; all fees, commissions and all sums paid for any purpose, and all other matters of interest to the company or members thereof; which statement or a certified copy thereof shall be filed in the town clerk's office of the town where the office of the company is located, in cases of town insurance companies, and in the office of the clerk of the county in cases of county insurance companies, within thirty days after the annual meeting in each year. And no company organized under the provisions of this act, nor their officers, shall be required to make any report or statement, or do any requirement not contained in the provisions of this act or in the by-laws of the company to which they belong.

Annual statement.

Statement to be filed.

Other statements not required.

With-
drawal of
members.

Admission
of mem-
bers.

Limita-
tions on
business.

By-laws.

Present
companies
may
organize
under the
act.

§ 15. Any member of such company may withdraw therefrom at any time, by notice in writing to the president, or in his absence to the secretary, and paying his share of all claims existing against the company and surrendering his policy or policies. Members may be admitted who reside within the territorial limits of the company, upon the same terms and conditions as the original members, subject to the by-laws of the company organized under the provisions of this act. Non-residents who own property that may be insured in any such company may become members for the purpose of having their property insured, and shall enjoy all the rights and privileges of such company, and shall be accountable the same as other members, but shall not be eligible to hold office in said company.

§ 16. No company formed under this act shall insure against losses otherwise than by fire or lightning, nor issue life insurance policies or policies on any other risk not mentioned in this act, nor shall they insure any buildings or property within the corporate limits of any city or village, situated less than one hundred feet distant from any other risk or structure.

§ 17. Any company formed under the provisions of this act may make and enforce such by-laws for its regulation as two-thirds of all the directors may adopt, and any amendment may be adopted by being presented to the president at least three months previous to any regular meeting of said directors; but said proposed amendment shall be voted for at a regular meeting, and two-thirds of the votes of all the directors shall be required to adopt it. No by-laws shall be of any effect, if inconsistent with the provisions of this act or the laws of the State. The by-laws may provide for compensation of the officers of the company and the number and kind and the security proper to be given by any officer, and may designate the amount of money that may be kept on hand and the manner of disbursing the same, and make provision for books for records of the transactions of the company.

§ 18. Any company already doing a business of insurance upon the principles prescribed by this act, may become organized and possess all the powers and be subject to the restrictions and regulations required by this act upon filing a statement of their condition at the time, containing the requirements of section three in the offices required by said section. The said companies shall thereafter be subject to the provisions of this act, and the policies theretofore issued by them shall be as valid and the rights and powers of the officers and members of such companies shall be the same in all respects as if they had been originally organized under this act.

§ 19. This act shall take effect immediately.

Amended 1880; *post*, p. 1006.

CHAP. 289.

AN ACT in relation to the annual reports of colleges and academies to the regents of the university.

Colleges
and acad-
emies.

PASSED May 15, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every college and academy, subject to the visitation of the regents of the university, shall make up its annual report and transmit the same to the secretary of the regents on or before the first day of October, in each year.

When to
report.

§ 2. This act shall take effect immediately.

CHAP. 290.

AN ACT to amend chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act, passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled An act to amend an act, passed February seventeenth, eighteen hundred and forty-eight, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" passed April twentieth, eighteen hundred and seventy-one.

Corpora-
tions.

PASSED May 15, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, as amended by chapter two hundred and sixty-two of the laws of eighteen hundred and fifty-seven, as amended by section two of chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, as amended by chapter four hundred and twenty-six of the laws of eighteen hundred and seventy-two, as amended by chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, is hereby amended so as to read as follows:

Amending
ch. 149,
Laws 1874.

§ 1. At any time hereafter any three or more persons, who may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical or chemical business, or the business of printing and publishing books, pamphlets and newspapers, or the business of making butter, cheese, concentrated or condensed milk, or any other products of the dairy, or the business of erecting buildings for church sheds, or laundry purposes, and the carrying on of laundry business, or the business of slaughtering animals, or the supplying of hot water, or hot air or steam for motive power, heating,

Incorporation
of
manufac-
turing,
mining,
mechanical
or
other.

cooking or other useful applications in the streets and public and private buildings of any city, village or town in this State, may make, sign and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the secretary of State, a certificate in writing, in which shall be stated the corporate name of the said company, and the objects for which the company shall be formed, the amount of capital stock of said company, the time of its existence (not to exceed fifty years), the number of shares of which the said stock shall consist, the number of trustees and their names, who shall manage the concerns of said company for the first year, and the name of the town and county in which the operations of the said company are to be carried on.

§ 2. This act shall take effect immediately.

For the original act (L. 1848, ch. 40), see vol. 3, p. 733.

For the amendment of 1857 (ch. 262), see vol. 3, p. 743.

For the amendment of 1866 (ch. 799), see vol. 6, p. 883.

For the amendment of 1871 (ch. 657), see vol. 9, p. 115.

For the amendment of 1872 (ch. 426), see vol. 9, p. 367.

For the amendment of 1874 (ch. 149), see vol. 9, p. 866.

The effect of the above amendment is to insert after the words "slaughtering animals," (act of 1874), the words "or the supplying of hot water; or hot air," etc.; and to omit after the word "newspapers" the words, "or the business of preserving or dealing in meats."

The first section of the act of 1874 was also amended by ch. 374, of L. 1877, the amendment consisting of inserting after the words "slaughtering animals," the words "or for the purpose of towing or propelling canal boats," etc. (see p. 595, *ante*), — a clause not in the above act, and probably for the reason that in drawing it the act of 1877 was overlooked. The clause has however been restored, and the acts of companies formed under it legalized by ch. 241, L. 1890, *post*. p. 957.

CHAP. 293.

AN ACT to amend sections five and six of chapter five hundred and sixty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same as amended by chapter one hundred and three of the laws of eighteen hundred and seventy-seven." Railroads.

PASSED May 15, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter five hundred and sixty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same as amended by chapter one hundred and three of the laws of eighteen hundred and seventy-seven, is amended so as to read as follows: Amending
ch. 560.
Laws 1850.

§ 5. Corporations may be formed under the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, for the purpose of constructing and operating railroads for public use in transporting persons and property, of the gauge of three feet and six inches or less, but not less than thirty inches within the rails; whenever capital stock of said corporation to the amount of one thousand dollars for every mile of such railroad proposed to be constructed and operated has been in good faith subscribed, and whenever one thousand dollars or more for every mile of such railroad proposed to be constructed shall be in like manner subscribed, and ten per cent thereon in good faith actually paid in cash to the directors named in the articles of association, and an affidavit made by at least three of said directors and indorsed on or annexed to said articles that the amount of stock hereby required has been so subscribed as aforesaid, and ten per cent thereon paid as aforesaid, and that it is intended in good faith to construct and operate such railroad, then said articles with such affidavit may be filed and recorded in the office of the secretary of State, provided said articles contain all the other facts required by law to be stated in articles of association made for organizing railroad corporations under said act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, except the amount of the capital stock of the company stated in said articles shall not be less than three thousand dollars for every mile of road constructed or proposed to be constructed, and all of the provisions of said last-mentioned act shall apply to corporations formed for the construction and operating of railroads of the gauge hereinabove mentioned, except as herein provided, or otherwise provided by law. Narrow
gauge
roads.

When
articles
may be
filed.

Contents
of articles.

Amount
of capital.

§ 2. Section six of said act is hereby amended so as to read as follows:

§ 6. Any railroad company duly organized according to law when the gauge of its proposed railroad shall be three feet and six inches or less, but not less than thirty inches within the rail, may, whenever two thousand dollars for every mile of road to be constructed has been in good faith subscribed and ten per cent thereon paid in good faith in Right of
way, how
acquired.

cash, apply to the supreme court, in the manner provided by law, for the appointment of commissioners, and all subsequent proceedings may be had to obtain the title of lands necessary for the construction and maintenance and operating said railroad to the same extent and in the same manner as if the whole amount of the capital stock, specified in its articles of association, was in like manner subscribed and ten per cent thereon in like manner paid in cash; and may lay upon such road, iron of a weight not less than twenty-five pounds to the lineal yard; such railroad company may charge and receive, when its road is not more than twenty-five miles in length, not exceeding five cents per mile; when its road is more than twenty-five and not more than forty miles in length, not exceeding four cents per mile, and when its road is more than forty miles in length, not exceeding three cents per mile for each passenger and his ordinary baggage transported on said road, providing that nothing relating to fares in this section shall apply to railroad companies now incorporated or to any railroad now in operation, or to any railroad or part thereof located or to be located in the county of Kings, or within the limits of any incorporated city. And it is further provided that such railroad company shall not use an engine exceeding eighteen tons weight, or run at a greater speed than fifteen miles per hour.

Rails

Fare.

Proviso.

Weight of engine.

§ 3. This act shall take effect immediately.

Ante, p. 382, vol. 3, p. 617, vol. 9, pp. 99, 325. The act intended to be amended by the above act is ch. 560 of the Laws of 1871. The act of 1850, of which the title and date of passage are correctly cited under "section 5" above, is ch. 140 of that year.

CHAP. 305.

Justices of peace.

AN ACT to amend chapter two hundred and seventy-six of the laws of one thousand eight hundred and forty-six, entitled "An act extending the powers of a justice of the peace as to issuing executions after the term of his office has expired."

PASSED May 17, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending ch. 276, Laws of 1846.

SECTION 1. Section one of chapter two hundred and seventy-six of the laws of one thousand eight hundred and forty-six, entitled "An act extending the powers of a justice of the peace as to issuing executions after the term of his office has expired," is hereby amended so as to read as follows:

Execution after expiration of term.

§ 1. Any justice before whom any judgment shall have been entered, and whose term of office shall have expired, may issue or renew executions on any such judgment after the expiration of his said office, at any time within five years from the time said judgment shall have been rendered, subject, however, in other respects to the provisions as to issuing executions on justices' judgments.

§ 2. This act shall take effect immediately.

Ante, vol. 4, p. 548. Amended so as to lengthen time from two years to five. Ch. 276, L. 1846, was repealed by Repealing Act of 1880, *post*, p. 958, sec. 1, subd. 23; but this act seems not to have been repealed (*ib.*, sec. 3, subd. 9), unless by implication. See Co. Civ. Proc., §§ 3024 and 3027.

CHAP. 306.

AN ACT in relation to infectious and contagious diseases of animals.

Diseases among animals.

PASSED May 17, 1879 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever in his judgment, for the more speedy and economical suppression, or for preventing the spread of any infectious or contagious disease of domestic animals, the public welfare shall be promoted thereby, the governor shall have, in addition to the powers conferred upon him by chapter one hundred and thirty-four of the laws of eighteen hundred and seventy-eight, the power to cause to be slaughtered, and to be disposed of afterwards as in his judgment may be expedient, any animal or animals which, by contact or cohabitation with diseased animals, or by other exposure to infection or contagion, may be considered or suspected to be liable to contract or to communicate the disease sought to be suppressed or to be prevented from spreading.

Governor may cause infected animals to be killed.

§ 2. Whenever any animal shall be slaughtered under any order of the governor, for the purpose of suppressing or of preventing the spread of any infectious or contagious disease, the compensation to be made by the State to the owner shall be computed upon the basis of allowing for any diseased animal the actual value, if any, at the time of slaughter ; for any animal that has been kept in the same stable, pen, field, pasture or yard with a diseased animal, two thirds of the sound value ; and in the case of any other animal so slaughtered, the full value at the time of slaughter, without regard to the depreciation due to exposure or suspicion of exposure to infection or contagion, provided, however, that if the carcass of any animal so slaughtered shall be sold for more than the amount which the owner would be entitled to receive as compensation as aforesaid, the excess shall be paid to such owner, and provided further that no compensation shall be made under the provisions of this section, or otherwise to any person who shall willfully have concealed the existence of disease among his animals or upon his premises, or who shall, in any way by act or by willful neglect, have contributed to the spread of the disease sought to be suppressed or prevented from spreading.

Concealing existence of disease.

§ 3. To enable the governor to carry out the provisions of this act, and the provisions of chapter one hundred and thirty-four of the laws of eighteen hundred and seventy-eight, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, payable on the warrant of the comptroller on vouchers therefor to be approved by the governor.

Appropriation.

§ 2. This act shall take effect immediately.

Ante, p. 539.

CHAP. 307.

Corrupt
expendi-
tures by
municipal
officers.

AN ACT to provide for the summary investigation of unlawful or corrupt expenditures by officers of towns or incorporated villages and for restraining the same.

PASSED May 17, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Applica-
tion for
investiga-
tion.

Notice.

Justice
Supreme
Court to
investi-
gate.
Experts.
Publica-
tion of
result.

Supervisors,
etc.,
to obey
orders.
Costs, how
paid.

Restoring
unlawful
expendi-
tures.

SECTION 1. If twenty-five freeholders in any town or incorporated village in the State shall present to any justice of the supreme court having jurisdiction therein an affidavit subscribed and sworn to by themselves, setting forth that they are freeholders, and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such town or incorporated village are being unlawfully or corruptly expended, it shall be the duty of such justice, upon ten days' notice to the supervisor or supervisors where there are more than one and the particular disbursing officer if any making the expenditure of such town or the trustees and treasurer of such incorporated village, to make a summary investigation into the financial affairs of such town or incorporated village, as the case may be, and the accounts of such disbursing officers or treasurer as the case may be and at his discretion he may appoint an expert or experts to make such investigation, and may cause the results thereof to be published in such manner as he may deem proper. It shall be the duty of the supervisor or supervisors and disbursing officer of such town, or the trustees and treasurer of such incorporated village, as the case may be, to obey all orders of such justice directed to them, for facilitating such investigation, and any refusal or failure by said supervisor or supervisors or trustees to obey such orders may be punished as for contempt; the costs incurred in such investigation shall be taxed by said justice, and paid upon his order by such supervisor or supervisors or trustees, as the case may be, whose expenditures shall be thus investigated, when the facts charged in such affidavit shall be substantially proved by such investigation, and by the freeholders making such affidavit, when the facts charged therein shall not be proved by such investigation.

§ 2. Upon the said justice becoming satisfied that any of the moneys of such town or incorporated village are being unlawfully or corruptly expended and being appropriated to purposes to which they are not properly applicable or are improvidently squandered or wasted, he shall forthwith grant an order restraining and prohibiting such unlawful or corrupt expenditure, appropriation, squandering or waste of such moneys, under penalty for disobedience of fine or imprisonment, or both, in the discretion of the court.

§ 3. This act shall take effect immediately.

CHAP. 309.

AN ACT relative to the propagation of trout in the streams Trout.
of the various counties of this State.

PASSED May 17, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the commissioners of fisheries of the State of New York to examine the streams of water in the various counties of this State, and to take reasonable steps for the propagation of trout in such streams as in their judgment can be rendered more productive. Propagation of.

§ 2. The governor is authorized to appoint a resident of the counties of either Kings, Queens or Suffolk, an additional member of the commissioner of fisheries of the State of New York, and to supply his place, should a vacancy occur therein, as provided in chapter five hundred and sixty-seven of the laws of eighteen hundred and seventy. Additional commissioners of fisheries.

§ 3. Nothing herein contained shall authorize the expenditure of any moneys in excess of the appropriation duly made for the purposes of the fisheries commission. Expenditures.

Ante, vol. 7, pp. 306, 759.

CHAP. 310.

AN ACT to prevent the sale of lands used for cemetery Ceme-
purposes. teries.

PASSED May 17, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. No land actually used and occupied for cemetery purposes shall be sold under execution or for any tax or assessment, nor shall such tax or assessment be levied, collected or imposed, nor shall it be lawful to mortgage such land or to apply it in payment of debts so long as it shall continue to be used for such cemetery purposes. Lands used for, not to be sold on execution or mortgaged.

§ 2. Whenever any such land shall cease to be used for cemetery purposes, any judgment, tax or assessment which, but for the provisions of this act, would have been levied, collected or imposed, shall, thereupon forthwith, together with interest thereon, become and be a lien and charge upon such land and collectible out of the same. Lien after use has ceased.

§ 3. The provisions of this act shall not apply to any lands held by the city of Rochester. Limitation.

§ 4. This act shall take effect immediately.

Ante, vol. 3, pp. 745, 748-9; vol. 7, p. 468.

See *Lantz v. Buckingham*, 11 Abb. Pr. (N. S.) '64; *Matter of Evergreen Cemetery*, 47 N. Y. 216; *Buffalo City Cemetery v. Buffalo*, 46 id. 503, 506; *Louisville v. Nevin*, 19 Am. Rep. 78; 3 O., 10 Bush, 549; 8 Abb. N. C. 159, 165.

CHAP. 311.

Surro-
gates'
courts.

AN ACT to amend chapter two hundred and eighty-five of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to certain matters and proceedings in surrogates' courts in cases of disqualification."

PASSED May 17, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 285,
Laws of
1877.

SECTION 1. Chapter two hundred and eighty-five of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to certain matters and proceedings in surrogates' courts in cases of disqualification," is hereby amended so as to read as follows:

Disquali-
cation of
surrogate.

§ 1. Where the surrogate of any county, except New York or Kings, is precluded or disqualified from acting with respect to any particular matter, and if there be no other officer or person authorized and qualified to act therein, the surrogate shall, upon the application of any person interested in such matter, file in his office a certificate stating that fact, and specifying the reason why he is disqualified or precluded, and designating the surrogate of an adjoining county other than New York or Kings, to act in his place in the said matter. And thereupon the surrogate so designated shall have, with respect to said matter, all the jurisdiction and powers which the surrogate making such designation would have had if he had not been disqualified, and may exercise the same in either county, and use the seal of either county; and all depositions, affidavits, petitions, reports, accounts, vouchers and other papers relating to such matter, shall be filed in the office of the surrogate of the county in which said matter arose, and all orders, decrees and other papers, which by law must be recorded, shall be recorded in the office of said last-mentioned surrogate.

§ 2. This act shall take effect immediately.

Ante, p. 415. Ch. 285, L. 1877, was repealed by L. 1880, ch. 245, sec. 1, subd. 53, *post*, p. 958. The above statute is not expressly repealed; but see Co. Civ. Proc. sec. 2485.

CHAP. 316.

Disputed
wills.

AN ACT to amend chapter two hundred and thirty eight of the laws of eighteen hundred and fifty-three, entitled "An act relative to disputed wills."

PASSED May 19, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 238,
Laws of
1853.

SECTION 1. Section one of chapter two hundred and thirty-eight of the laws of eighteen hundred and fifty-three, entitled "An act relative to disputed wills," is hereby amended so as to read as follows:

Validity of
wills, how
deter-
mined.

§ 1. The validity of any actual or alleged devise or will of real estate may be determined by the supreme court in a proper action for that purpose, in which all persons interested, or who claim an interest in the question, may be made parties, and such action may be brought

by any heir at law of the actual or alleged testator or testatrix, or by any devisee under any actual or alleged will; and thereupon after final judgment in such action any party may be enjoined from setting up or from impeaching such devise or will, as justice may require. The court may also, in its discretion, during the pendency of any such action, restrain the commencement or prosecution of any other action involving the trial of the same question. Such adjudication, however, shall not determine nor affect the validity of any such will as to any personal property; nor shall this act or any proceeding taken by virtue thereof affect or interfere with any suit or proceeding in any court of this State relating to the probate of any will. Issues of fact in such actions may be tried by a jury or the court, as the nature of the case may require and the court shall direct.

§ 2. This act shall take effect immediately.

Ante, vol. 4, p. 503, ch. 238 of L. 1853, is repealed by ch. 245, L. 1880. This act is in the same condition as ch. 811, *ante*. See Co. Civ. Proc., sec. 1866.

CHAP. 317.

AN ACT to authorize the laying of pipes in the streets, avenues and public places in the various cities, towns and villages of this State for heating and other purposes. Municipal corporations.

PASSED May 19, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The municipal authorities of the cities, towns, and villages of the State of New York are hereby authorized and empowered to carry out the provisions of this act.

§ 2. Any corporation or association formed or organized under the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, or under any of the amendments to said act, or under the "Act to provide for the organization and regulation of certain business corporations," passed June twenty-first, eighteen hundred and seventy-five, shall have full power to manufacture, furnish and sell such quantities of hot water, hot air, or steam as may be required in the city, town or village where the same shall be located; and such corporation shall have power to lay pipes or conductors for conducting hot water, hot air, or steam through the streets, avenues, lanes, alleys, squares and highways in such city, village or town, with the consent of the municipal authorities of said city, town or village, and under such reasonable regulations and conditions as they may prescribe; and whenever any such permission shall be granted, it shall only be upon the condition that reasonable compensation shall be paid therefor, and upon a further condition that a satisfactory bond shall be given to secure the city, town or village against all damages in the use of said pipes. The amount of the compensation, and the manner of its payment, and the amount of the bond shall be first fixed and determined by said municipal authorities before any pipes, as provided for by this act, shall be laid in any city, town or village of this State, and that all such permissions heretofore given by any of said municipal authorities, where the above terms have been complied with, are hereby confirmed.

§ 3. This act shall take effect immediately.

See ch. 290, *ante*, p. 757, and note thereto; also *ante*, p. 222.

Laying pipes in streets for heating, etc.

CHAP. 321.

Divorces. AN ACT to amend article three, title one of chapter eight, part two of the Revised Statutes, entitled "of divorces dissolving the marriage contract."

PASSED May 19, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
2 R. S. 146.

SECTION 1. Section forty-nine of article three of title one, of chapter eight, of part two of the Revised Statutes, entitled "of divorces dissolving the marriage contract," is hereby amended so as to read as follows:

Marriage
after di-
vorce for
adultery.

§ 49. Whenever a marriage has been or shall be dissolved pursuant to the provisions of this article, the complainant may marry again during the life-time of the defendant; but no defendant convicted of adultery shall marry again until the death of the complainant, unless the court in which the judgment of divorce was rendered shall in that respect modify such judgment, which modification shall only be made upon satisfactory proof that the complainant has remarried, that five years have elapsed since the decree of divorce was rendered, and that the conduct of the defendant since the dissolution of said marriage has been uniformly good.

§ 2. This act shall take effect immediately.

The above act is a duplicate of ch. 184, *ante*, except the addition of the words "has been or" in the first line of "§ 49." See *ante*, p. 723, and note.

CHAP. 324.

**Conflagra-
tions.** AN ACT to prevent conflagrations in certain cases within the counties of New York, Kings and Queens.

PASSED May 19, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Lighted
match,
cigars, etc.
not to be
brought or
used on
any ves-
sels, etc.,
within 150
feet of
ware-
houses,
etc., where
petroleum
is stored
without per-
mission.

SECTION 1. It shall be unlawful for the owner, or for any of the officers, employees, or crew of any ship, vessel, canal boat, barge, lighter, boat or other craft lying at or within one hundred and fifty feet of any warehouse, yard, shed, dock, pier, bulkhead, wharf, or other place, within the counties of New York, Kings or Queens, at, in, or on which petroleum oil, or any of its products, is stored or kept for export, or in quantities exceeding ten thousand gallons; or for any other person or persons to bring, keep, have, or use or suffer or permit to be brought, kept, had, or used on board of any such ship, vessel, canal boat, barge, lighter, boat, or other craft, or at, in, or on any such warehouse, shed, yard, dock, pier, bulkhead, wharf, or other place, any lighted match, or lighted cigar, cigarette or pipe, or any fire or light of any kind without, or otherwise than in strict conformity to the written permission of the owner, lessee, or superintend-

ent of such warehouse, yard, shed, dock, pier, bulkhead, wharf, or other place, specifying the fire or light to be kept, had, or used, the particular purpose for and the place or spot at which the same may be so kept, had, or used, and the particular manner of keeping, having, or using the same.

§ 2. Every violation of this act shall be a misdemeanor, triable before any court of special sessions, having territorial jurisdiction of the place where the offense was committed, but this act shall not apply to steam tugs while transacting their ordinary business, nor to steam fire engines engaged in extinguishing fires.

See L. 1871, ch. 742.

Penalty
for viola-
tion.

CHAP. 328.

AN ACT for the protection of human life at public watering and bathing places.

Surf
bathing.

PASSED May 19, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the owners, lessees, proprietors, or other persons, managing any coast, or other watering-places, within the limits and jurisdiction of this State, where surf-bathing is carried on, and where surf-bathing privileges and accommodations are furnished to subscribers, or to the general public, for payment, to provide and maintain throughout the bathing season, in serviceable condition and ready for immediate use, one or more surf or life-boats, or other efficient and equally serviceable life-saving apparatus, for the protection, safety and rescue of bathers; and if any owner, lessee, proprietor, or manager as aforesaid, shall control or use for surf-bathing purposes a beach or shore of greater linear extent than three hundred yards, such owner, lessee, proprietor or manager shall provide and maintain, as aforesaid, one such surf or life-boat, or such other efficient and equally serviceable life-saving apparatus for every three hundred linear yards of beach or shore controlled or used by him. The crew of any such life or surf-boat shall consist of not less than two men.

Life boats
or other
apparatus
to be kept
where
surf-bath-
ing is car-
ried on.

§ 2. Each and every person who shall fail to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, or both, in the discretion of the court; but such fine shall not exceed two hundred and fifty dollars, nor such imprisonment six months.

Penalty
for failing
to comply.

§ 3. The bathing season referred to in the first section of this act is hereby declared to be from the first day of June to and including the thirtieth day of September in each and every year.

Bathing
season.

§ 4. This act shall take effect immediately.

Ans, p. 449.

CHAP. 331.

Canals. AN ACT to facilitate the transaction of public business by authorizing the administration of oaths in matters pertaining to canal business.

PASSED May 19, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Superintendent of public works to designate clerks to administer oaths.

SECTION 1. The superintendent of public works is hereby authorized to designate two clerks in the office of said superintendent in the city of Albany, and one clerk in the office of each assistant superintendent of public works, on the three divisions of the canals, who shall have power to administer oaths in any county of the State in matters pertaining to canal business only, where oaths now are or may be required by law to be taken; and oaths so taken and subscribed before said clerks shall be of like force and effect as though taken before a notary public in the county where such oath is administered.

Qualifications.

§ 2. Each clerk so designated shall possess all the qualifications now required of notaries public, and before entering upon the discharge of the duty created by this act shall file his signature with the auditor of the canal department.

§ 3. This act shall take effect immediately.

CHAP. 334.

Demands against ships and vessels.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and sixty-two, entitled "An act to provide for the collection of demands against ships and vessels."

PASSED May 19, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending ch. 482, Laws 1862.

SECTION 1. Section three of chapter four hundred and eighty-two of the laws of eighteen hundred and sixty-two, entitled "An act to provide for the collection of demands against ships and vessels," is hereby amended so as to read as follows:

Specification of lien where to be filed.

§ 3. Such specifications shall be filed in the office of the clerk of the county in which such debt shall have been contracted, except that when such debt shall have been contracted in either of the counties of New York, Kings or Queens, then such specification shall be filed in the office of the clerk of the city and county of New York; and it shall also be the duty of any and all parties or persons, their heirs, their legal representatives, agents or assigns, after the filing of such specifications in the county clerk's office as in said act provided, in case the vessel is built, used or fitted for the navigation of any of the canals or lakes of this State, to immediately thereafter file or cause to be filed a copy of said specifications in the office of the auditor of the canal department, duly certified by the county clerk, in whose office the original specification shall have been filed.

Ante, vol. 4, pp. 658-4.

§ 2. Section nine of said act is hereby amended to read as follows:

§ 9. The person applying for such warrant shall, within three days after the issuing thereof, cause a notice to be published once in each week, for four successive weeks, in some newspaper published in the county in which such vessel may then be, or, if no newspaper be so published in such county, then in the nearest county in which a newspaper shall be so published, setting forth that such warrant has been issued, the amount of the claim specified therein, the day when such warrant was issued, and that such vessel will be sold for the payment of the claims against her, unless the master, owner or consignee thereof, or some person interested therein, appear and discharge such warrant according to law, within thirty days from the first publication of such notice, and in case the vessel is built, used or fitted for the navigation of any of the canals or lakes of this State, shall also serve a copy of such notice personally at least ten days before the issuing of the order of sale mentioned in section fifteen of the act hereby amended upon all persons who may have filed any claim or lien upon such ship or vessel, by mortgage or otherwise, in the office of the auditor of the canal department, or the service of such notice may be made at least twenty days before the issuing of said order above mentioned, by leaving a copy of the same at their dwelling-house in charge of some person of suitable age, or by depositing the same in the post-office properly folded and directed to such persons at their respective places of residence and paying the postage thereon.

Notice of issuing of warrant to be published.

Copy of notice when to be served on other claimants and lienors.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

Ante, vol. 4, pp. 665-6.

CHAP. 336.

AN ACT to enable storage warehousemen to collect their charges upon goods deposited with them by the sale thereof.

Warehousemen.

PASSED May 19, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every warehouse company, or person or persons, engaged in the warehouse business, who shall have had in their possession any goods, wares or merchandise, by virtue of any agreement or warehouse receipt for the storage of the same on which or any part thereof, there may be due two years' storage, may proceed to sell the same at public auction, and out of the proceeds may retain the charges for storage of said goods, wares and merchandise, and any advances that may have been made thereon by him, and the expense of advertising and sale thereof; but no such sale shall be made until after the giving of a printed or written notice of such sale, containing a description of the articles to be sold, together with the name of the person or persons storing the same, nor until six months after termination of the time for which such goods were received.

When may sell property to pay charges.

Notice.

§ 2. The notice required by the last preceding section shall be served personally, at least four weeks before the time of such sale upon the party storing the goods, provided such service can be made with reasonable diligence within the State of New York. If the party storing

Notice, how served.

such goods cannot with reasonable diligence be found within the State of New York, then such notice shall be given by publication once in each week for six successive weeks, before the time of such sale, in a newspaper published at or nearest the place, where such sale is to take place. In the event that the party storing such goods or merchandise shall have parted with the same, and the purchaser shall have notified the warehouseman with his address, such notice shall be given to such person in lieu of the person storing the goods.

Surplus of
proceeds,
how dis-
posed of.

§ 3. Such warehouse company, or person or persons, engaged in the warehouse business, shall make an entry in a book kept for that purpose, of the balance or surplus of the proceeds of the sale, if any, and such balance or surplus shall be paid over to such person or persons entitled thereto within thirty days after such sale, and after the expiration of said thirty days, such balance or surplus shall be paid by such warehouse company, or person or persons, engaged in the warehouse business to the county treasurer; or if in the city of New York to the chamberlain of said city, for the use of the poor, unless called for or claimed by the rightful owner within five years after the receipt thereof, and shall at the same time file with said treasurer or chamberlain an affidavit in which shall be stated the name and place of residence, so far as the same are known of the person whose goods or merchandise have been sold, the articles sold, and the prices at which they were sold, the name and residence of the auctioneer making the sale, together with a copy of the notice published and how served, whether by personal service or by mailing, and if not so served, the reason therefor.

§ 4. This act shall take effect immediately.

Ante, vol. 3, p. 667, § 4; vol. 4, p. 462.

CHAP. 337.

Villages.

AN ACT in relation to the incorporation of villages.

PASSED May 19, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charters
not to be
void be-
cause do
not in-
clude a
mile
square of
land.

SECTION 1. The charter of no village heretofore incorporated shall be declared invalid because of a failure to include within the boundaries of said village a mile square of land; and all the municipal acts of the trustees or other officers of such village shall be deemed to be valid and binding, and of the same force and effect as if such village corporation had originally included one mile square of land within its boundaries.

§ 2. This act shall take effect immediately.

Ante, vol. 3, p. 789; vol. 7, p. 681; *post*, p. 907.

CHAP. 346.

AN ACT for the enlargement of the Clinton State prison.

Clinton
State
Prison.

PASSED May 21, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The speaker of the assembly, the comptroller, the superintendent of State prisons, Wells S. Dickinson and Charles P. Easton are hereby authorized and required, at as early a day as their other public duties will permit, to prepare and adopt such plans and specifications for the enlargement of the Clinton State prison as shall make provision for the secure confinement of at least twelve hundred prisoners, upon estimates which shall show that the total cost for such enlargement will not exceed the sum of two hundred thousand dollars. Before any portion of the sum hereinafter appropriated shall be expended, except for the purpose of securing such plans, full detailed plans and specifications for such enlargement shall be made and adopted, in writing, by the commissioners above named, and filed in the office of the secretary of State, and when so filed shall not be altered or departed from in carrying out such enlargement, except upon the concurrent written consent of said commissioners, filed in the office of the secretary of State, which shall fully and distinctly state the extent of such alteration, and the extent to which the expense of such enlargement will be affected thereby, and shall show that such alteration will not carry the total cost of such enlargement beyond the sum of two hundred thousand dollars. This section shall be construed as meaning that no part of the sum appropriated in section three of this act, except as hereinafter specified, shall be expended until the contract to complete the work contemplated by this act is absolutely let and the security therefor deposited, or approved by the commissioners.

Enlargement of.
Commissioners.

Plans and
specifications.

Interpretation.

§ 2. The work for such enlargement, and the furnishing of all materials for the same, shall be let, by the commissioners above named, by contract or contracts, and awarded by them to the lowest bona fide and responsible bidder or bidders therefor, in whole or separately, as the interest of the State shall require, after being advertised by them in the State paper, daily, for four weeks consecutively, immediately preceding such letting; the notice for such letting shall state the work to be let, the quality, quantity and kind of materials to be bid for, and the length of time which will be given for the completion of the work or the delivery of the materials, and the amount of security required for the faithful performance of the work. The proposals received by them shall be opened in the presence of each other; and every contract for work or material in pursuance of this act, shall reserve the right to said commissioners to declare the same forfeited whenever, in the judgment of said commissioners, such contract is not being performed in accordance with the terms thereof. The commissioners named in the first section of this act, shall receive no compensation for their services as such, but their reasonable disbursements and expenses, to be audited by the comptroller, shall be allowed and paid.

Work to
be let by
contract.

§ 3. The sum of one hundred thousand dollars is hereby appropriated for the purpose of such enlargement, and the necessary

Appropriation.

expenses attending the same, which sum the treasurer is hereby directed to pay out of any money in the treasury not otherwise appropriated, upon the warrant of the comptroller, to the order of the said commissioners from time to time, and in such sums as they shall require the same, upon vouchers therefor, to be approved by the comptroller.

§ 4. This act shall take effect immediately.

CHAP. 347.

Life insurance. AN ACT to protect the rights of policyholders in life insurance companies.

PASSED May 21, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Surrender
value of
policies in
force
three
years.

SECTION 1. Whenever any policy of life insurance hereafter issued by any company organized or incorporated under the laws of this State, after being in force three full years, shall by its terms lapse or become forfeited for the non-payment of any premium, or of any note given for a premium, or loan made in cash on the policy as security, or of any interest on such note or loan, unless the provisions of this act are specifically waived in the application, and notice of such waiver written or printed in red ink on the margin of the face of the policy when issued, the reserve on such policy, including dividend additions, calculated at the date of the failure to make any of the payments above described, according to the American experience table of mortality, and with interest at the rate of four and a half per cent per annum, after deducting any indebtedness of the insured on account of any annual, semi-annual or quarterly premium then due, and any loan made in cash on such policy, evidence of which is acknowledged by the insured in writing, shall, on demand made, with surrender of the policy within six months after such lapse, be taken as a single premium of life insurance at the published rates of the company at the time the policy was issued, and shall be applied, as shall have been agreed in the application and policy, either to continue the insurance of the policy in force at its full amount so long as such single premium will purchase temporary insurance for that amount, at the age of the insured at the time of lapse, or to purchase upon the same life at the same age, paid-up insurance payable at the same time, and under the same conditions, except as to payment of premiums, as the original policy. Provided, that if no such agreement be expressed in the application and policy, the said single premium may be applied in either of the modes above specified, at the option of the owner of the policy; notice of such option can be contained in the demand hereinbefore required to be made to prevent the forfeiture of the policy. Provided, also, that the net value of the insurance given for such single premium under this section, computed by the standard of this State, shall in no case be less than two-thirds of the entire reserve after deducting the indebtedness as specified; but such insurance shall not participate in the profits of the company.

How to be
applied.

§ 2. If the reserve upon any endowment policy, applied according to the preceding section as a single premium of temporary insurance, be more than sufficient to continue the insurance to the end of the endowment term named in the policy, and if the insured survive that term, the excess shall be paid in cash at the end of such term, on the conditions on which the original policy was issued.

Endowment policies.

§ 3. This act shall take effect on the first day of January, eighteen hundred and eighty.

Act takes effect Jan. 1, 1880.

CHAP. 350.

AN ACT to amend chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy-five, entitled "An act in relation to railroad corporations."

Railroad corporations.

PASSED May 23, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy-five, entitled "An act in relation to railroad corporations," is hereby amended so as to read as follows:

Amending ch. 508, Laws 1875.

§ 1. Any existing railroad company heretofore organized or incorporated under the laws of this State, except such as may have been organized for the purpose of constructing or operating a railroad in the city of New York, which may be unable from any cause to construct its railroad within the time specified by its charter or articles of association, shall hereby have the time for the completion of the railroad it was authorized to construct extended for a further term of two years beyond the time heretofore limited; and failure to construct its railroad within the time heretofore limited shall not cause a forfeiture of its corporate powers, but nothing herein contained shall have the effect to revive any corporation whose corporate power has been forfeited from any cause.

Extending time for construction.

§ 2. This act shall take effect immediately.

Ante, p. 205; 78 N. Y. 525.

CHAP. 360.

AN ACT to legalize the official acts of certain justices of the peace.

Justices of peace.

PASSED May 26, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official acts of every justice of the peace heretofore done and performed, duly elected or appointed to the office, so far as such official acts may be affected, impaired or questioned by reason of the failure of any such justice to give an official bond as required by law, are hereby legalized and confirmed.

Legalizing official acts of.

§ 2. Nothing herein contained shall affect any suit or proceeding now pending.

Pending suits.

§ 3. This act shall take effect immediately.

Ante, pp. 530, 639.

CHAP. 361.

Birds.

AN ACT for the preservation of song and small birds.

PASSED May 26, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Song birds and certain others not to be caught or killed between March and November.

Robins and meadow-larks and starlings.

Exceptions.

To what counties applies.

Penalty.

Distribution of penalties.

Repeal.

SECTION 1. No person shall kill, wound, trap, net, snare, catch with bird lime, or with any similar substance, or drug, or in any other manner capture or sell, expose for sale or transport, during the months of April, May, June, July, August, September or October, in any year, any bird of song, or any linnet, blue-bird, yellow-hammer, yellow-bird, thrush, wood-pecker, cat-bird, pewee, swallow, martin, blue-jay, oriole, kildee, snow-bird, grass-bird, gross-beak, phoebe-bird, humming-bird, black-bird, wren, excepting birds bred in a cage or imported from Europe or the Southern United States. No person shall kill or expose for sale, or have in his possession after the same has been killed, any robin, meadow-lark, or starling, between the first day of January and the fifteenth day of October, save only when such birds are killed on the premises of the persons killing, and while they are destroying fruit. This section shall not apply to any person who shall kill any bird for the purpose of studying its habits or history, or having the same stuffed and set up as a specimen. This act shall apply only to the counties of New York, Kings, Albany, Richmond and Rensselaer.

§ 2. Any person violating this act shall be deemed guilty of a misdemeanor, punishable by imprisonment in the county jail or penitentiary, of not less than five or more than thirty days, and shall also be liable to a penalty of fifty dollars, to be recovered with costs, by any person suing therefor in his own name.

§ 3. In all actions for the recovery of penalties under this act, one-half of the recovery shall belong to the plaintiff, and the remainder shall be paid to the county treasurer of the county where the offense is committed, except if the offense be committed in the city and county of New York, then said remaining half penalty shall be paid to the chamberlain of said city.

§ 4. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 364.

Super-visors.

AN ACT to amend subdivision five of section one of chapter two hundred and fifty-seven of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled 'An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors.'"

PASSED May 26, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending ch. 257, Laws 1876.

Draw and other bridges between counties and towns.

SECTION 1. Subdivision five of section one of chapter two hundred and fifty-seven of the laws of eighteen hundred and seventy-six, is hereby amended so as to read as follows:

5. To provide for the care, maintenance, preservation and reparation of any draw or other bridge (except on the Hudson river below Waterford, and on the East river or over the waters forming the boundaries of this State) crossing a stream which forms at the point of crossing the dividing line of counties or of towns and the maintenance, care and preservation of which bridge is by law

a joint charge on such counties, or on such towns, or on the towns in which such bridge may be situated, and to severally apportion, as such board may deem equitable, the charge and expense for such maintenance care, preservation and reparation on the towns respectively liable therefor, or on the respective counties when liable.

§ 2. This act shall take effect immediately.

Ante, pp. 156, 294.

CHAP. 373.

AN ACT to amend chapter four hundred and fifty-one of the laws of eighteen hundred and seventy-four, entitled "An act to amend the several acts in relation to State prisons." State prisons.

PASSED May 27, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twelve of chapter four hundred and fifty-one of the laws of eighteen hundred and seventy-four, entitled "An act to amend the several acts in relation to State prisons," is hereby amended so as to read as follows: Amending
ch. 451.
Laws 1874.

§ 12. It shall be the duty of the agent and warden of the several State prisons of this State to require of all able-bodied convicts therein an equal number of faithful hours' labor during such hours as the inspector shall designate, and each convict in good faith performing such day's work, and being in all respects obedient to the rules and regulations of the prison; or, if not able to work, but is faithful and obedient, each shall be allowed two months on each of the first two years; four months on each succeeding year to the fifth year; and five months to each remaining year of the term of his imprisonment; and provided further, commutation of time earned by a convict for good conduct shall be wholly forfeited up to the time he commits any of the offenses mentioned in section two of chapter four hundred and fifteen of the laws of eighteen hundred and sixty-three, or commits any other act that would amount by law to a misdemeanor; but such shall not be the effect in cases where, without any violence whatever, a rule or rules shall be broken by him, and it is clear that no willfulness or malice was intended; and the name of no convict who has escaped or attempted to escape, subsequent to the twelfth day of May, eighteen hundred and seventy-four, shall be sent to the governor for the commutation of any part of his sentence by prison officials. Commutations
of
sentences.

Forfeiture
of commu-
tation.

§ 2. This act shall take effect immediately.

Ante, vol. 9, pp. 957-8.

CHAP. 377.

AN ACT in relation to telegraph companies.

PASSED May 27, 1879; three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the owner or the association owning any telegraph line, doing business within this State, to receive dispatches from and for other telegraph lines and associations, and, on payment of their regular charges to individuals, to transmit the same with impartiality and good faith, under the penalty of one hundred Telegraph
compa-
nies.

To receive
dispatches
from and
for other
lines.

dollars for every neglect or refusal so to do, to be recovered with costs of suit in the name and for the benefit of the person or persons, or association sending or desiring to send such dispatch.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

See 7 Abb. N. C. 151 and note; 18 Hun, 157, as to damages for non-delivery of messages.

CHAP. 379.

Legislative
officers and
employ-
ees.

AN ACT prescribing the officers and employees that may be elected, appointed or employed by the senate and assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof.

PASSED May 27, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Of the
senate.

SECTION 1. The senate may elect or appoint a clerk, a stenographer, a sergeant-at-arms, a postmaster, who shall also act as assistant sergeant-at-arms, an assistant postmaster, a post-office messenger, a principal doorkeeper and four assistants, one person who shall act as janitor of the senate chamber and its ante-rooms, and one assistant, seven persons to serve as clerks of committees, one of whom shall be designated to serve as clerk to the committee on finance, one to the committee on judiciary, one to the committee on cities, and the remaining four to serve, under the direction of the clerk of the senate, upon the remaining committees of the senate, and ten pages who shall be appointed for the session, by the clerk, and who shall not be under fourteen years of age, and they shall also serve, under the direction of the clerk of the senate, as messengers to committees. The president of the senate may appoint a clerk and messenger, and the clerk of the senate may appoint an assistant clerk, a journal clerk, four deputy clerks, one of whom shall act as assistant engrossing clerk, and also as clerk to the committee on engrossed bills, a librarian, and an assistant librarian, and a superintendent of documents, and three messengers, one of whom shall act as bank messenger.

Assembly.

§ 2. The assembly may elect or appoint a clerk, a stenographer, a sergeant-at-arms, a postmaster, an assistant postmaster who shall also act as superintendent of the mail and express department, a post-office messenger, a superintendent of documents, a principal doorkeeper who shall also act as assistant sergeant-at-arms, and eight assistant doorkeepers, one person who shall perform the duties of janitor of the assembly chamber and its ante-rooms, and one assistant janitor, seven persons to serve as clerks of committees, one of whom shall be designated to serve as clerk to the committee on ways and means, one as clerk to the committee on judiciary, one to the committee on cities, and one as clerk to the committee on railroads, and the remaining three to serve under the direction of the clerk of the assembly, upon the remaining committees of the assembly; three general messengers, one of whom shall act as superintendent of the wrapping department, and twenty pages who shall be appointed by the clerk for the whole session, and who shall not be under fourteen years of age and shall also serve under

the direction of the clerk of the assembly as messengers to committees. The speaker may appoint a clerk and one messenger, the clerk of the assembly may appoint an assistant clerk, a journal clerk and eight deputy clerks, one of whom shall act as one of the assistant engrossing clerks, and also as clerk to the committee on engrossed bills, a librarian and assistant librarian, and three messengers, one of whom shall act as bank messenger.

§ 3: The following compensation shall be paid for the annual session of the legislature: To the clerks of each house three thousand five hundred dollars, to the assistant clerks and journal clerks each two thousand dollars, to the deputy clerks each fifteen hundred dollars except to the deputy clerk designated to act as clerk to the senate committee on engrossed bills who shall receive nine hundred dollars, to the clerk of the president of the senate six dollars per day, to the speaker's clerk six dollars per day, to the sergeant-at-arms, the librarians and assistant librarians, the postmasters, the assistant postmasters and the principal doorkeepers of the senate and assembly to each of them six dollars per day, to the assistant doorkeepers, the janitors and assistant janitors, the superintendent of documents of the senate and assembly each five dollars per day, to the stenographers fifteen hundred dollars each. The duties of the stenographers shall be to be present at every session of the body for which they are respectively appointed, and to take stenographic notes of the debates in such respective bodies and in the committee of the whole thereof, and to furnish a copy of the same written out in long hand to any member of the body for which he is appointed stenographer as aforesaid. To the clerks of the committees of ways and means and judiciary of the assembly, and the finance and judiciary of the senate seven dollars per day each, and to the clerks of the committees of affairs of cities of the senate and assembly six dollars per day each, and to the clerks of the other committees of each house, each five dollars per day; to the post-office messengers three dollars per day, to the bank messengers of the clerks of the senate and assembly each six dollars per day, to the other messengers each three dollars per day, to the pages each two dollars per day. And the employees of the senate and assembly, whether appointed or elected, shall each be paid the same per diem compensation, respectively for each day of any extra session of the legislature which may be held, as their respective compensation or per diem allowance as established by this section would give per day for every day of the regular session of the legislature of the same year. And the officers and employees of the senate who may be designated to attend upon the senate when sitting as a court for the trial of impeachments, or upon the trial of judicial or other officers on the recommendation of the governor, shall be paid the same per diem allowance as for attendance at an extra session of the legislature, as herein provided. And the clerks of the senate and assembly shall annually without compensation revise, mail and send to the members of the legislature previous to the organization thereof the Clerk's Manual, and also within thirty days after the organization of the legislature prepare a statistical list of the members and officers with their boarding-houses. And the post-office messengers shall carry the mails for the senate and assembly, and under the direction of the postmasters assist in the duties of the post-office, and the postmasters and assistant postmasters shall perform all the labors in the mail and express departments of their respective houses. And there shall be paid annually to the clerk of the senate five hundred dollars, and to the clerk of the assembly seven hundred and fifty dollars, for in-

Compensation.

Extra sessions.

Impeachment trials.

Duty of clerks.

Post-office messenger.

Indexing journals, etc.

Extra clerical service.

Compensations how paid.

Entry of appointments.

Per diem pay when to commence and end.

Officers to close business after session.

No additional officers to be employed.

dexing the journals, bills and documents of the senate and assembly; and hereafter the indices of the journals, bills and documents of the two houses of the legislature shall be made by the clerks of the respective houses instead of by the secretary of the state, as heretofore provided by law. And there shall be paid annually to the clerk of the senate five hundred dollars, and to the clerk of the assembly seven hundred and fifty dollars, or so much thereof as may be necessary, for extra clerical services and engrossing, and no extra allowance shall be made to the officers and employees above named on any pretense whatever. The compensation and per diem allowance in this section provided for shall be paid on the warrant of the comptroller upon the certificate of the speaker for the officers and employees of the assembly, and the president of the senate for the officers and employees of the senate. All appointments made under this act shall be entered on the journal of the house wherein they are so made; such entry shall specify the date of the appointment, and the length of time the same is to be continued. The pay of officers who receive by the provisions of this act a per diem compensation shall commence at the date of their appointment. No fee or per diem compensation shall be allowed to any officer of either branch of the legislature for or on account of his attendance upon the opening of the next succeeding session of said body, except to the clerk, journal clerk, speaker's clerk, sergeant-at-arms, postmaster, librarian and principal doorkeeper of the senate and assembly, and an assistant doorkeeper and four pages in the senate, and three assistant doorkeepers, two messengers and six pages in the assembly, the presiding officers of the respective houses shall designate which assistant doorkeeper and pages of the senate and which assistant doorkeepers, pages and messengers of the assembly may attend upon the organization of the next legislature, and no other officers of either branch of the legislature shall be allowed to attend upon such organization. Such designation shall be made before the close of the session, and be entered upon the journals of the respective houses. Said officers named in this section who shall serve at the opening of the next session of the legislature as aforesaid, shall receive the same rate of compensation during each day's service, as they were entitled by law to receive for like services at the preceding session of the legislature.

§ 4. The president of the senate may designate three officers of the senate, and the speaker of the assembly may designate three officers of the assembly, to remain after the adjournment of the legislature to perform duty under the direction of the clerk of each house respectively, for a period not exceeding ten days. The officers so designated shall receive the same per diem compensation respectively as they were entitled to receive in their respective offices for the session, the same to be paid by the comptroller on the certificate of the clerk of the house for which they were respectively appointed.

§ 5. No additional officers or employees shall be elected or appointed by the senate or assembly, except that either house, by a majority vote thereof, may employ a stenographer, for a committee of investigation or other committee whenever necessary. The president and clerk of the senate are hereby authorized on the part of the senate, and the speaker and clerk of the assembly are hereby authorized on the part of the assembly, to detail any of the officers or employees in their respective houses to perform such duties in addition to those ordinarily performed as they may deem advisable to promote the business of either house.

§ 6 Whenever any standing committee of either house shall be charged with the duty of making an inquiry or investigation, such committee shall have power to appoint a sub-committee to consist of not less than three of its own members to make such inquiry or investigation, and to take testimony in relation thereto; and such committee or sub-committee shall have all the power and authority that is now conferred by law upon any committee, which, by the terms of its appointment, is authorized to send for persons and papers; and the chairman of any committee or sub-committee shall have all the power and authority that is now conferred by law upon the chairman of any committee, which, by the terms of its appointment, is authorized to send for persons and papers, and the chairman of such committee and of such sub-committee shall be authorized to administer oaths to all witnesses coming before such committee or sub-committee for examination. Every witness attending as such before any such committee or sub-committee shall be entitled to the same fees as are allowed witnesses in civil suits in courts of record. Such fees need not be prepaid, but the comptroller shall draw his warrant for the payment of the amount thereof, when the same shall have been certified to by the chairman of such committee, and duly proved by affidavit or otherwise, to the satisfaction of the said comptroller. Whenever by resolution of either house, a committee shall be directed to conduct an investigation, or take testimony in any other place than in the city of Albany, the comptroller shall draw his warrant for the payment of the actual and necessary expenses incurred thereby by such committee or sub-committee, having in charge such investigation, inquiry or taking testimony, together with the actual and necessary expenses of such officers and employees as shall be authorized to accompany them; but no such expense shall be paid until a bill of the items thereof, in detail, shall be rendered to the comptroller, and the correctness thereof shall be certified by the chairman of such committee, and duly approved by the president of the senate, in a case of a committee of the senate, and by the speaker of the assembly, in the case of a committee of the assembly, and duly proved by affidavit or otherwise, to the satisfaction of the comptroller.

Investigation committee.

Witnesses.

Expenses.

§ 7. Chapters twelve and four hundred and eighty-five of the laws of eighteen hundred and seventy-two, and chapter one hundred and twelve of the laws of eighteen hundred and seventy-five, and all other provisions of law in conflict with this act are hereby repealed.

Repeal.

Ante, vol. 9, pp. 318, 375.

§ 8. This act shall take effect on the first day of January, eighteen hundred and eighty.

CHAP. 381.

AN ACT to extend the distribution of Croton water through the city of New York, and to lay the necessary mains therefor, and to deliver it at higher elevations.

Croton water.

PASSED May 27, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioner of public works of the city of New York, when thereunto authorized by a resolution or ordinance passed by a three-fourths vote of all the members elected to the common

When distribution of, may be extended.

council of said city, to be approved by the mayor of said city, is hereby authorized to expend for materials to be used and labor and other services to be performed by contract let at public letting as now provided by law in laying pipes to extend and enlarge the distribution of Croton water through the city of New York, and in furnishing a sufficient supply thereof to the institutions in charge of the department of public charities and corrections, located on Blackwell's Island, Ward's Island and Randall's Island, and in laying mains necessary to deliver such water at higher levels and in greater quantities, and erecting such fixtures as he may deem necessary, in the year eighteen hundred and seventy-nine, a sum not exceeding one hundred and fifty thousand dollars, and in each and every year thereafter a sum not exceeding two hundred and fifty thousand dollars in addition to the amounts heretofore authorized to be expended for said purposes, but no patent hydrant, valve or stop-cock shall be used by the department of public works, unless the patentee, or owner of said patent shall allow the use of the patent by said department without royalty.

Appropriation.

§ 2. For the purposes of this act, and in addition to the amount heretofore authorized to be expended, the board of estimate and apportionment is authorized and directed to appropriate and include in the final estimate for the year eighteen hundred and seventy-nine the sum of one hundred and fifty thousand dollars, and in the final estimate for each succeeding year thereafter, such sum, not exceeding two hundred and fifty thousand dollars, as said board may deem necessary in the interest of the city.

Money, how applied.

§ 3. The moneys to be raised by virtue of this act shall be applied and expended for the purposes authorized by this act, and for no other purpose whatever.

§ 4. This act shall take effect immediately.

CHAP. 382.

Tax sales. AN ACT in relation to lands in Monroe, Oswego, Suffolk, Sullivan and other counties, bid in for the State at the tax sale, held by the comptroller in the year eighteen hundred and seventy-seven, and to other lands in said counties which were sold at said sale on which the bids remain unpaid.

PASSED May 27, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Comptroller may assign to counties certificates of tax sales owned by State, and cancel bids and issue certificates of sales to the counties.

SECTION 1. The comptroller is hereby authorized and directed, on the eighteenth day of October, eighteen hundred and seventy-nine, to assign to the counties of Monroe, Oswego, Suffolk and Sullivan, and to all other counties for which there may, at that time, be special laws authorizing and directing the treasurer thereof to sell "lands of non-residents" for unpaid taxes thereon, and by and under the provisions of which such taxes are not to be returned to the comptroller, respectively, the certificates of sale then owned by the State, for all lands in each and all of said counties which were bid in by him for the State at the tax sale held in the month of October, eighteen hundred and seventy-seven, to which the State then has no title, and which shall not have been redeemed, or the sale of which shall not have been can-

celed, on or before that day; and the comptroller shall, at the same time, cancel all bids on lands in said counties not made by the State at said sale, which shall then remain unpaid, except in cases where the land sold shall have been redeemed, or the sale thereof canceled, and shall issue certificates of sale for the lands covered by such bids to the respective counties in which said lands are located.

§ 2. The comptroller shall charge to each of said counties, respectively, on the books of his office, the amount for which the parcels of land described in the certificate mentioned in section one of this act were sold at said tax sale of eighteen hundred and seventy-seven, with interest thereon at the rate of six per cent per annum. The several amounts thus charged shall become due on the assignment or issue of said certificates to said counties, and shall be payable in the same manner as the State tax is now required by law to be paid. Unless paid within ninety days thereafter, interest, at the rate of six per cent per annum, shall be charged thereon by the comptroller, from the date of such assignment or issue.

Counties
to be
charged
therewith
and to pay
for.

§ 3. The treasurer of each of said counties, on the receipt of the certificates of sale mentioned in section one of this act, shall enter the same, in their proper order, in a book to be provided by him for such purpose, and shall have full power and authority, until the eighteenth day of October, eighteen hundred and eighty, to sell and assign any or all of said certificates for any land not at the time owned by the county, on payment therefor, into the county treasury, of the amount for which the land described thereon was sold at said tax sale, with interest from the date of such tax sale to the date of such sale and assignment by him. Any such sale and assignment shall be duly and fully entered by such county treasurer in the book aforesaid, which book shall be a part of the records of the county.

Duty of
county
treasurer.

§ 4. In case said tax sale certificates shall not have been sold or assigned by the respective county treasurers on or before the eighteenth day of October, eighteen hundred and eighty, each of said county treasurers shall then transmit such unsold certificate or certificates to the comptroller, who shall issue to the board of supervisors of each county, respectively, a deed for all the lands described thereon then remaining unredeemed, or the sale of which has not been canceled, which deeds shall have the same effect, and become absolute in the same time, and on the performance of the like conditions, as in the case of conveyances to individuals. The title thus acquired by the boards of supervisors shall be held by them in trust for their respective counties, and may be disposed of by them at such times and on such terms as shall be determined on by a majority of such board, at any regular or special meeting thereof.

In case the
certificates
are not
sold.

§ 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

5. Charges for unlawfully and negligently setting fire to wood or fallow land, or allowing the same to extend to lands of others, or unlawfully refusing to extinguish any fire.

6. Charges for cruelty to animals under the several acts passed or which may hereafter be passed, relating to, or affecting animals.

§ 2. This act shall take effect immediately.

19 Hun, 188. Affirmed in Ct. App., 79 N. Y. 598; 20 Hun, 99, 241; 74 N. Y. 406.

CHAP. 393.

Co-operative and industrial unions.

AN ACT in relation to the election of trustees or directors of co-operative and industrial unions.

PASSED March 28, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Election of trustees or directors.

SECTION 1. The trustees or directors of any corporation organized under chapter nine hundred and seventy-one of the laws of eighteen hundred and sixty-seven, entitled "An act for the incorporation of co-operative and industrial unions," may be elected by a majority of the stockholders present and voting at a meeting called and held for that purpose, and of which a notice specifying the object thereof, the time and place when and where such meeting will be held, shall be served on each stockholder by depositing in the post-office where the principal office of such corporation is situated, at least ten days previous to the day named therein for holding such meeting, a written or printed copy thereof, properly folded and inclosed in an envelope addressed to him at his usual place of residence, and prepaying the postage thereon, any thing in the charter of any corporation or in any act to the contrary notwithstanding.

§ 2. This act shall take effect immediately.

Ante, vol. 7, p. 242.

CHAP. 395.

Railroad companies.

AN ACT to authorize certain railroad companies to increase the number of their directors.

PASSED May 28, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May increase directors.

SECTION 1. Any corporation having the power to construct or operate an elevated railroad shall have authority, at any meeting of the stockholders, by a vote of a majority in interest of the stockholders, to increase the number of its directors to any number not exceeding thirteen.

§ 2. This act shall take effect immediately.

CHAP. 396.

AN ACT to amend chapter two hundred and nineteen of the laws of eighteen hundred and seventy-seven, entitled "An act for the relief of school districts wishing to contract with boards of education of cities to educate their children in city schools." Public In-
struction.

PASSED May 28, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and nineteen of the laws of eighteen hundred and seventy-seven, entitled "An act for the relief of school districts wishing to contract with boards of education of cities to educate their children in city schools," is hereby amended so as to read as follows: Amending
ch. 219,
Laws 1877.

§ 1. Whenever any school district adjoining a city or village of six thousand inhabitants, by a vote of a majority of the qualified voters of such district, shall empower the trustees thereof, the said trustees shall enter into a written contract with the board of education of such city or village, whereby all the children of such district may be entitled to be taught in the public schools of such city or village, for a period of not less than twenty-eight weeks in any school year, upon filing a copy of such contract duly certified by the trustees of such school district, and by the secretary of the board of education of said city or village, in the office of the superintendent of public instruction; such school district shall be deemed to have employed a competent teacher for such period, and shall be entitled to receive one distribution district quota each year, during which such contract shall be renewed and continued. Contracts
by school
districts
with
boards of
education
of cities to
educate
children.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. The board of education of any city or village, so contracting with any school district, shall report the number of persons of school age in such district, together with those resident in the city or village, the same as though they were actual residents of the city or village, and shall report for the pupils attending the city or village schools from such district to the superintendent of public instruction, the same as though they were residents of such city or village. Report to
superin-
tendent.

§ 3. This act shall take effect immediately.

Ante, p. 408.

CHAP. 397.Tele-
graphs.**AN ACT** to provide for the laying of telegraph wires under ground.

PASSED May 28, 1879.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*May lay
wires under
ground.

SECTION 1. Any company or companies organized and incorporated under the laws of this State for the purpose of owning, constructing, using and maintaining a line or lines of electric telegraph within this State, or partly within and partly beyond the limits of this State, are hereby authorized, from time to time, to construct and lay lines of telegraph under ground in any city, village, or town within the limits of this State, subject to all the provisions of law in reference to such companies not inconsistent with this act; provided that such company shall, before laying any such line in any city, village or town of this State, first obtain from the common council of cities, the trustees of villages, or the commissioners of highways of towns, permission to use the streets within such city, village or town for the purposes herein set forth.

§ 2. All acts and parts of acts inconsistent with the provisions of this act are hereby, so far as they conflict with this act, repealed.

§ 3. This act shall take effect immediately.

CHAP. 403.

Canals.

AN ACT to prevent certain abuses upon the canals of this State.

PASSED May 29, 1879; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*Employee
receiving
compensa-
tion for
doing or
neglecting
to do any
act within
his ca-
pacity as
employee,
guilty of a
misdeme-
anor.

SECTION 1. Any lock-tender or other employee of this State upon any of the canals of this State who shall ask, demand or receive, directly or indirectly, from any boatman or other person, any fee, reward or gratuity for doing or omitting to do any act or thing in his capacity as such lock-tender or employee; and any boatman or other person who shall pay or offer to pay, directly or indirectly, to any lock-tender or other employee of this State, upon any of the canals of this State, any fee, reward or gratuity for doing or omitting to do any act or thing in his capacity as such lock-tender or employee, shall, upon conviction, be adjudged guilty of a misdemeanor.

As amended by ch. 278, L. 1880 (passed May 13, 1880). The amendment consists of inserting the words "ask, demand or" before the word "receive," in the second line.

CHAP. 405.

AN ACT to amend sections two and ten of chapter two hundred and forty-eight of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the election of officers in certain school districts." Public In-
structions.

PASSED May 29, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter two hundred and forty-eight of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the election of officers in certain school districts," is hereby amended so as to read as follows: Amending
ch. 248,
Laws 1878.

§ 2. Such election shall be held on the Wednesday next following the second Tuesday in October in each year, between the hours of twelve o'clock mid-day and four o'clock in the afternoon at the principal school-house in the district, or at such other suitable place as the trustees may designate. When the place of holding such election is other than at the principal school-house, the trustees shall give notice thereof by the publication of such notice, at least one week before the time of holding such election, in some newspaper published in the district, or by posting the same in three conspicuous places in the district. The trustees may, by resolution, extend the time of holding the election from four o'clock until sunset. Election of
officers
in school
districts.

§ 2. Section ten of said act is hereby amended so as to read as follows:

§ 10. This act shall not apply to cities, nor to union free school districts whose boundaries correspond with those of an incorporated village, nor to any school district organized under a special act of the legislature, in which the time, manner, and form of the election of district officers shall be different from that prescribed for the election of officers in common school districts organized under the general law, nor to any of the school districts in the counties of Richmond, Suffolk, Chenango, Westchester, Fulton and Queens, nor to union free school district number one of the towns of Potsdam and Norfolk, St. Lawrence county, nor to union school district number two in the town of Waterloo in the county of Seneca. When act
not to
apply.

Section second of the above act is given as amended by ch. 527, L. 1880, by omitting the word "and" before "Westchester," and by adding all following the word "Westchester."

§ 3. This act shall take effect immediately.

Ante, p. 572.

CHAP. 406.

AN ACT in relation to proceedings in the surrogates' courts of the several counties of the State, except the county of New York. Surro-
gates'
courts.

PASSED May 29, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Upon application of any executor, administrator or collector, to whom letters shall have been granted by the surrogate of any of the counties of the State, except the county of New York, or the testamentary trustee or guardian named in any will proved in his court, and on such notice to the persons interested in the estate as he Revoca-
tion of
letters tes-
tament-
ary, etc.

shall direct, the surrogate may, by his order, revoke such letters and discharge such executor, administrator, collector, testamentary trustee or guardian from his trust, upon such terms and conditions as in his judgment may be proper for the security of the estate, and thereupon issue letters of administration, letters of administration with the will annexed, or letters of collection, or appoint a successor to such trustee or guardian; but such surrogate shall require such executor or testamentary trustee, so to be appointed, to give security for the faithful performance of such trust.

§ 2. This act shall take effect immediately.

See Code Civ. Proc., §§ 2689, 2670; 3 Redf. Sur. Reports, 20.

CHAP. 411.

Rural cemeteries.

AN ACT to further amend chapter four hundred and two of the laws of eighteen hundred and sixty-eight, entitled "An act to authorize the trustees of incorporated rural cemeteries to impose a tax upon the lot-owners in said cemeteries."

PASSED May 29, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 402,
Laws 1868.

SECTION 1. Section two of chapter four hundred and two of the laws of eighteen hundred and sixty-eight, entitled "An act to authorize the trustees of incorporated rural cemeteries to impose a tax upon the lot-owners in said cemeteries," is hereby further amended so as to read as follows:

Tax on
lot-own-
ers.

§ 2. Such tax shall not be levied except upon the written consent of two-thirds of the lot-owners in the cemeteries to which the proposed tax is to be applied, or upon the vote of a majority of all the lot-owners in favor of a tax for the purposes herein specified, at an annual, or at a special meeting called by the trustees for the purpose of taking such vote, upon the same notice required by law for annual meetings; except that at an annual meeting, upon the vote of a majority of lot-owners, present and voting, the trustees are authorized to levy a tax upon each of the lot-owners, not exceeding one dollar for each lot owned by the several lot-owners in such cemetery. The proceeds of such tax to be applied to the purposes herein specified, and to no other purpose whatever.

Ante, p. 443, vol. 7, p. 809.

CHAP. 413.

Library
compa-
nies.

AN ACT supplemental to chapter three hundred and ninety-five of the laws of eighteen hundred and fifty-three, entitled "An act for the incorporation of library companies."

PASSED May 29, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Increasing
number of
trustees.

SECTION 1. Any library company now formed or hereafter to be formed, under chapter three hundred and ninety-five of the laws of eighteen hundred and fifty-three, entitled "An act for the incorporation of library companies," may determine at any annual meeting of the stockholders, or at a special meeting of the same duly called by a

majority of the stock, to increase the number of trustees to manage the affairs of the corporation, in all not exceeding the number of eighteen.

§ 2. The chairman and secretary of the meeting shall, within three days after any increase of the number of trustees shall be determined upon, make a written certificate and sign their names thereto, and acknowledge the same before an officer authorized to take the proof and acknowledgment of conveyance in the county where such library is to be located, which certificate shall state the time and place of such meeting, the names of those who attended the same and concurred in the proceedings, and the names of the additional trustees then chosen; and it shall be the duty of the said chairman and secretary to cause such certificate to be recorded in the clerk's office of said county, in a book appropriated to the recording of certificates of incorporation, and such original certificate acknowledged as aforesaid, or the record thereof, or an exemplified or certified copy of such record, shall be evidence of any matter above authorized to be inserted therein and which it shall contain.

Certificate
of in-
crease.

§ 3. This act shall take effect immediately.

Ante, vol. 8, p. 839.

CHAP. 414.

AN ACT to amend chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to Courts, Officers of Justice and Civil Proceedings."

Code of
Civil Pro-
cedure.

PASSED May 29, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three hundred and eleven of chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice and civil proceedings," is hereby amended so as to read as follows:

Amending
ch. 448,
Laws 1876.

§ 311. The sheriff of the county of Kings, his under sheriff, or a deputy sheriff designated by him, must attend each term or sitting of the court. If a deputy sheriff is designated to attend he shall be entitled to the same compensation as is allowed by law to messengers and attendants upon said court and shall be paid in the same manner. The judge or judges holding the term may require more than one deputy sheriff to attend should it be deemed necessary.

Sheriffs,
etc., to at-
tend
terms.

§ 2. This act shall take effect immediately.

CHAP. 415.

Railroads. AN ACT for the safety and better protection of life on the several railroads of this State.

PASSED May 29, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Not to
stop on
highway
crossing in
Kings
county.

SECTION 1. From and after the passage of this act, it shall not be lawful for any railroad company organized and operated under any law of this State, and operating its road wholly or partly in the county of Kings, to stop its cars, horses or locomotives upon any railroad crossing of any other company intersecting or crossing the same on the surface, for the purpose of receiving or delivering passengers or freight, or any other purpose whatever.

Penalty.

§ 2. Any person or corporation, violating the provisions of this act, shall, on conviction, be punished by a fine of not less than fifty dollars or more than five hundred dollars, to be sued for and collected in the name of the people of the State of New York, by the attorney-general, and the moneys when collected to be paid into the general fund of the State.

§ 3. This act shall take effect immediately.

CHAP. 417.

AN ACT to amend chapter two hundred and twelve of the laws of eighteen hundred and seventy-eight, entitled "An act to establish the right of citizens of this State to carry on their business in all parts thereof."

PASSED May 29, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 312,
Laws 1878.

SECTION 1. Chapter two hundred and twelve of the laws of eighteen hundred and seventy-eight, entitled "An act to establish the right of citizens of this State to carry on their business in all parts thereof," is hereby amended so as to read as follows :

Discrimin-
ation
against
residents
of other
parts of
State.

§ 1. It shall not be lawful for the authorities of any county, city or village, to impose upon the inhabitants of any other county, city or village within this State, carrying on, or desiring to carry on, any lawful trade, business or calling within the limits thereof, any restriction or condition whatever, except such as may be necessary for the proper regulation of such trade, business or calling, and such as apply equally and impartially to the citizens of all parts of the State alike, and all ordinances in violation of the provisions of this act are hereby declared to be null and void. But the provisions of this act shall not apply to the ordinances or regulations of any county, city or village in this State, in references to traveling circusees, shows and exhibitions.

§ 2. This act shall take effect immediately.

Ante, p. 565. The amendment consists of adding the last sentence of sec. 1.

CHAP. 418.

AN ACT to amend chapter five hundred and one of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April twenty-nine, eighteen hundred and thirty-three." Chattel mortgages.

PASSED May 29, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

* SECTION 1. Section three of chapter five hundred and one of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April twenty-nine, eighteen hundred and thirty-three," is hereby amended so as to read as follows : Amending ch. 501, Laws 1872.

§ 3. Every mortgage, filed in pursuance of this act, shall cease to be valid as against the creditors of the person making the same, or against subsequent purchasers or mortgagees in good faith, after the expiration of one year from the filing thereof, unless, within thirty days next preceding the expiration of each and every term of one year after the filing of such mortgage, a true copy of such mortgage, together with a statement exhibiting the interest of the mortgagee in the property thereby claimed by him by virtue thereof, shall be again filed in the office of the clerk or register aforesaid of the town or city where the mortgagor shall then reside, if the mortgagor shall then be a resident of this State ; and if not such resident, then in the office of the clerk or register of the town or city where the property so mortgaged was at the time of the execution of such mortgage. When mortgage to cease to be valid. Renewal.

§ 2. This act shall take effect immediately.

Ante, vol. 4, p. 435 ; vol. 9, p. 629.

See Hathaway v. Howell, 54 N. Y. 97 ; *Benjamin v. Elmira, etc.*, id. 875 ; *Marsden v. Cornell*, 5 T. & C. 27 ; s. c., 2 Hun, 449 ; *Stockham v. Allard*, 4 T. & C. 279 ; s. c., 2 Hun. 67 ; *Patterson v. Gillies*, 64 Barb. 563 ; *Porter v. Parmley*, 53 N. Y. 185 ; *Stevens v. Hayt*, 66 id. 606 ; *Fraser v. Gilbert*, 11 Hun, 624.

CHAP. 422.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities; and to provide for the organization of savings banks, for their supervision and for the administration of their affairs." Savings banks.

PASSED May 30, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section forty-four of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for

Amending ch. 371, Laws 1876.

savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision, and for the administration of their affairs," is hereby amended so as to read as follows: .

Duty of superintendents when savings banks violate law or conduct business in an unsafe manner.

Proceedings by attorney-general.

Power of court thereon.

Receiver.

Official report evidence.

§ 44. Whenever it shall appear to the said superintendent, from any examination made by him, or from the report of any examination made to him, or from the report made by any such corporation pursuant to the requirements of section thirty-six, thirty-seven and thirty-eight of this act, that any such corporation has committed any violation of its charter or of law, or is conducting its business and affairs in an unsafe or unauthorized manner, he shall, by an order under his hand and seal, direct the discontinuance of such illegal and unsafe or unauthorized practices, and strict conformity with the requirements of the law, and with safety and security in its transaction; and whenever any such corporation shall refuse or neglect to make any such report as is hereinbefore required, or to comply with any such order as aforesaid, or whenever it shall appear to the superintendent that it is unsafe or inexpedient for any such corporation to continue to transact business, or that any trustee or officer of a savings bank has abused his trust, or been guilty of misconduct or malversation in his official position injurious to the bank, or to its depositors, he shall communicate the facts to the attorney-general, who shall thereupon institute such proceedings as the nature of the case may require. The proceedings instituted by the attorney-general may be for the removal of one or more of the trustees, or for the transfer of the corporate powers to other persons, or the consolidation and merger of the corporation with any other savings corporation that may be willing to accept the trust, or for such other or further relief or correction as the particular facts communicated to him shall seem to require. And the court before which such proceedings shall be instituted shall have power to grant such orders, and in its discretion from time to time to modify or revoke the same, and to grant such relief and render such judgment as the facts, or evidence in the case, and the situation of the parties, and the interests involved shall seem to require; and whenever in such proceedings an order shall be granted, upon notice, or without notice, restraining such corporation and its officers from paying out or disposing of any moneys or property of or held by such corporation, the superintendent may, and if directed by the court, shall, take temporary possession of all the assets, property and rights of, or held by such corporation, and hold such possession until the further order of the court. If a receiver be appointed, he shall, subject to the direction of the court, proceed with diligence to convert the assets of the bank into money and to make distribution thereof. And every receiver of a savings bank shall, whenever required by the court upon the application of the attorney-general, render an account of his proceedings, and shall render a full account of all his proceedings and make final distribution within eighteen months from the time of his appointment, unless the court upon application by the receiver and notice to the attorney-general shall give additional time for that purpose. The court may make such orders for the payment of small deposits by receivers, or such other provisions in respect to such deposits, to facilitate the distribution of the assets, as may be just. Every official report made by the superintendent to the attorney-general, and every official report duly verified of any examination made under the provisions of this act, shall be presumptive evidence in all preliminary legal proceedings on motion to appoint a receiver.

§ 2. It shall be the duty of the receiver of any savings bank or institution to keep an account of all moneys received by him; and on the first days of January, April, July and October of each year to make and file a written statement in the office of the county clerk of the county in which such savings bank is located, verified by his oath of its correctness and truth, showing the amount of money received by him, his agents and attorneys; the amount he has by law a right to retain, the items for which he has retained it, and the distributive share due each person interested therein; and for a failure to comply with such requirement, it shall be sufficient cause for his removal.

Accounts and statements of receiver.

§ 3. This act shall take effect immediately.

Ante, pp. 121, 641.

CHAP. 424.

AN ACT to regulate proceedings in the closing and dissolution of savings banks.

Savings banks.

PASSED May 30, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the trustees of any solvent savings bank shall deem it necessary or expedient to close the business of such corporation, they may, by the affirmative vote of not less than two-thirds of the whole number of trustees at a meeting to be called for that purpose, of which all the trustees shall have notice, declare by a resolution their determination to close such business, to pay the moneys due depositors and creditors, and to surrender the corporate franchise. The vote upon such resolution shall be taken by ayes and noes, and the resolution and the vote thereon shall be recorded in the minutes of said board of trustees. A copy of the record of such proceedings, certified by the president and secretary of such corporation, shall be filed in the bank department. The trustees shall thereupon give notice to all the depositors and creditors of the adoption of such resolution, by publication thereof in a newspaper or newspapers most likely to give the same proper publicity, and by printed or written notice, personally served upon or mailed to every depositor and creditor of such savings bank, at their last known residence, postage prepaid.

Business how closed.

§ 2. When the trustees of any such savings bank shall have paid the sums due respectively to all the depositors and creditors whom they can discover, and who claim their deposits, or the moneys due them, it shall be the duty of such trustees to make a transcript or statement from the books of the said savings bank of the names of all the depositors and creditors who do not claim or have not received the balances to their credit or due them, and of the sums due them respectively, and to file such transcript in the bank department, and to pay over and transfer all such unclaimed and unpaid deposits, credits and moneys to the superintendent of the bank department. The trustees shall thereupon report their proceedings duly verified to the supreme court, and upon such report and the petition of the trustees, and upon notice to the attorney-general and the superintendent of the bank department, and such other notice as the court may deem necessary, the court shall adjudge the franchises surrendered and the existence of the corporation terminated.

Unclaimed deposits.

Receivers
to make
statement
and pay
over un-
claimed
deposits.

§ 3. Whenever the receiver of any insolvent savings bank shall have paid the full per centum of the amount due to depositors and creditors which the avails of the assets enable him to pay to the depositors and creditors he can discover, and who claim their proportion or share of such assets, he must, before he can be discharged from his trust, make a transcript or statement from the books of said bank of the names of all the depositors and creditors who have not claimed or received the balances to their credit or due them, and of the sums due them respectively, and file such transcript in the bank department, and also pay over and transfer all such unclaimed deposits and moneys to the superintendent of the bank department. And all receivers of savings banks who have been discharged from their trusts, and who hold any such balances, shall forthwith make and file with said superintendent such transcript or statement, and transfer and pay over to him such balances.

Verifica-
tion of
state-
ments.

Duty of
superin-
tendent
as to un-
claimed
deposits.

§ 4. The superintendent of the bank department shall require the officers and receivers who make the transcripts or statements herein provided for, and it shall be their duty to verify the completeness and accuracy of the same in a satisfactory manner. The said superintendent shall receive the said moneys and shall give a receipt therefor, and shall forthwith deposit the same in some solvent savings bank or savings banks in this State to the credit of the superintendent of the bank department, in his name of office in trust for the depositors and creditors of the closed savings bank from which they were received. And the said superintendent shall report to the legislature, annually, in his report relative to savings banks, the names of such closed savings banks and the sum of unclaimed and unpaid deposits to the credit of each of them respectively. The superintendent may pay over to the persons respectively entitled thereto the money so held by him, with any accumulation of interest thereon, upon being furnished with satisfactory evidence of their right to the same; and in cases of doubt, or of conflicting claimants, he may require an order of the supreme court authorizing and directing the payment thereof.

§ 5. This act shall take effect immediately.

See Code Civ. Proc., §§ 2419-2431.

CHAP. 428.

Banks.

AN ACT to regulate the character of the investment of banks of deposit.

PASSED May 30, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Invest-
ments by.

SECTION 1. It shall be lawful for any bank or banking association, incorporated under the laws of this State, or individual banker, to take and become the owner of any stocks, or bonds, or interest bearing obligations of the United States, or of the State of New York, or of any city, county, town or village of this State, the interest on which is not in arrears, and to discount and negotiate bills, notes and other evidences of debt.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Ante, vol. 4, p. 191.

CHAP. 437.

AN ACT to amend section twenty-six of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs."

Savings
banks.

PASSED May 31, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Subdivision one of section twenty-six of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs," is hereby amended so as to read as follows:

Amending
ch. 371,
Laws 1875.

1. In the stocks or bonds or interest-bearing notes or obligations of the United States or those for which the faith of the United States is pledged to provide for the payment of the interest and principal, including the bonds of the District of Columbia, commonly known as the three-sixty-five bonds.

Invest-
ments.

§ 2. This act shall take effect immediately.

Ante, p. 126, *post*, pp. 925, 975.

CHAP. 441.

AN ACT supplementary to and explanatory of the act passed April ninth, eighteen hundred and seventy-eight, entitled "An act to amend chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-six, entitled 'An act to authorize plankroad and turnpike companies formed under and by virtue of an act entitled An act to provide for the incorporation of companies to construct plankroads, and of companies to construct turnpike roads,' passed May seven, eighteen hundred and forty-seven, to extend their charter or corporate existence."

Plank-
roads and
turnpikes.

PASSED May 31, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In any proceedings heretofore taken under the existing provisions of law, or which shall be hereafter so taken, to extend the charter or corporate existence of any plankroad or turnpike company, the filing and recording of a copy of the resolution by which the required consent of a majority of the supervisors of any county shall be given, verified either by the certificate of the clerk of the board of supervisors, or an affidavit of some members of the board of supervi-

Extending
charter
or cor-
porate ex-
istence.

sors, shall be and be deemed a full compliance with the requisitions of law as to filing and recording such consent; and the statement of the president and treasurer, and the consent in writing of the stockholders, now required by law to be filed within one month before the expiration of the term of the corporate existence of such company, may both or either of them be made and given, and may also be filed at any time previous to said one month, but within one year as the time during which such extension or continuance of such charter or corporate existence may be made; and where such original statement and consent of stockholders, or either of them, shall be filed in the office of the secretary of state, a certified copy thereof may be filed in the county clerk's offices, as required by law, and the filing of such copy shall be deemed and held a full compliance with the law in that respect.

Sale of
franchise.

§ 2. Any plankroad or turnpike company may, on the consent of the owners of sixty per centum of its stock, sell, transfer and convey the whole or any part of its rights, property and franchises to any other plankroad or turnpike company formed under any general law of this State: and any conveyance made pursuant to this section shall vest the rights, property and franchises thereby transferred in the company to which they are thereby conveyed, for the term of its corporate existence.

§ 3. This act shall take effect immediately.

Ante, pp. 287, 584; vol. 3, p. 549.

CHAP. 442.

Banks.

AN ACT to amend chapter eighteen of part one of the Revised Statutes, entitled "Of banking associations and bankers."

PASSED May 31, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amend-
ing.

SECTION 1. Section one hundred and forty-seven of article four of title two of chapter eighteen of part one of the Revised Statutes, entitled "Of banking associations and bankers," is hereby amended so as to read as follows:

§ 147. Receivers of moneyed institutions shall be entitled to the same commissions and compensation for their services as are now allowed by law to executors and administrators, and no greater or other commission or compensation than is hereby allowed shall be received or retained by them; provided, however, such compensation shall in no case exceed ten thousand dollars per annum.

§ 2. This act shall take effect immediately.

Ante, vol. 4, p. 144.

There is no such article or section to chapter eighteen, title two of the Revised Statutes. The act attempted to be amended is section 2, ch. 3, Laws of 1842, and the error arose from the lax habit of calling a compilation of the Revised Statutes and other public laws the "Revised Statutes"—a title to which it has no legal or just claim.

CHAP. 446.

AN ACT to amend chapter three hundred and sixty-one of the laws of eighteen hundred and sixty-seven, entitled "An act authorizing supplementary proceedings for the collection of taxes." Taxes.

PASSED June 8, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter three hundred and sixty-one of the laws of eighteen hundred and sixty-seven, entitled "An act authorizing supplementary proceedings for the collection of taxes," is hereby amended so as to read as follows : Amending
ch. 361,
Laws 1867.

§ 1. When a tax exceeding ten dollars in amount, levied by the board of supervisors of a county against a person, firm, estate or corporation, residents thereof, is returned by a collector to the county treasurer uncollected, for want of goods and chattels out of which to collect the same, the supervisor of the town or ward, or the county treasurer, within one year thereafter, may apply on affidavit to the county judge, or special county judge of the county, and obtain an order requiring such person, firm, estate, or corporation, to appear and answer concerning his or their property. The same proceedings may in all respects be had as in cases supplementary to execution, and the same costs and disbursements may be allowed against the defendant, but none in his favor. The tax, if collected, shall be paid over to the county treasurer, and the costs collected from the defendant shall belong to the party instituting the proceeding. A county treasurer shall have no additional compensation for such proceeding ; and a supervisor shall have no other except his per diem fees for time spent on the same. Supple-
mentary
proceed-
ings to col-
lect taxes.

§ 2. This act shall take effect immediately.

Ante, vol. 7, p. 85.

CHAP. 447.

AN ACT to amend article two, title two, chapter twelve, part one of the Revised Statutes, entitled "Of the county treasurer." County
treasurer.

PASSED June 8, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty-five of article two of title two, chapter twelve, part one of the Revised Statutes, is hereby amended so as to read as follows : Amending
1 R. S. 370.

§ 25. If any such preceding county treasurer, or in case of his death, if his executors or administrators shall refuse or neglect to deliver such books, papers and moneys, upon oath, when lawfully demanded, every such person shall forfeit, for the use of the county, the sum of twelve hundred and fifty dollars, to be sued for and recovered by his successor in office, and whenever any preceding county treasurer, or his legal Penalty
for neg-
lect to
deliver
money,
books and
papers
to suc-
cessor.

representatives, shall have in his or their hands any moneys which of right belong to such county, or any books, papers or vouchers belonging to said office, and shall refuse or neglect to deliver to his successor any such books, papers or vouchers, or pay over such moneys, it shall be the duty of such successor to sue for and recover the possession of such books, papers and vouchers, and to sue for and collect said money, for the use of such county, and to that end an action may be brought by said county treasurer upon the official bond of such preceding county treasurer, against him and his sureties, to recover the amount of the moneys due said county.

Penalty for neglect to pay over money on order of the court.

§ 2. Whenever any county treasurer shall, after service on him personally, or by leaving at his office, in his absence, with some person having charge thereof, or if such service cannot be made, by leaving with some person of suitable age and discretion at his place of residence, or at his last place of residence in the county, if he has departed therefrom, of a certified copy of an order of the court, directing the payment or delivery of any money or securities held by him pursuant to an order of the court, to any person or persons, shall fail or neglect so to do, or where any county treasurer has invested or loaned any moneys held by him pursuant to order of the court, to any person or persons on inadequate or worthless securities, and shall fail or neglect when required so to do, to pay over the amount of the moneys so invested to the person or persons entitled thereto, the court may, by order, direct that an action be brought upon the official bond of such treasurer, against him and his sureties, to recover the amount of the moneys or securities so directed to be paid or delivered, or of the moneys so invested on inadequate or worthless security, for the benefit of the person or persons in whose behalf the direction shall have been by such order given, and whose name or names appear therein, or their assigns, and thereupon such action may be brought for such purpose.

Ante, vol. 1, p. 842. The second section of this act contains provisions similar to those of ch. 524, L. 1874 (*ante*, vol. 9, p. 966), which was repealed by ch. 245, L. 1880. See Code Civ. Proc., § 1887, which contains some of the provisions of this section.

CHAP. 449.

Writs of error.

AN ACT to amend article second of title six of chapter two of the fourth part of the Revised Statutes, entitled "Of writs of error on judgments and certioraris in criminal cases."

PASSED June 3, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending 2 R. S. 740.

SECTION 1. The fifteenth section of article second of title six of chapter two of the fourth part of the Revised Statutes, entitled "Of writs of error on judgments and certioraris in criminal cases," is hereby amended so as to read as follows :

When writs of error are writs of right. When conviction to be deemed final judgment.

§ 15. In all other cases writs of error upon any final judgment rendered upon any indictment are writs of right, and issue of course, in vacation as well as in term, out of the court in which by law they may be made returnable. In all cases now pending and hereafter brought a conviction for a criminal offense shall be deemed a final judgment when sentence shall have been suspended by the court in which the trial was had, or otherwise suspended or stayed, and such conviction shall

have been affirmed in due course of law by a general term of the supreme court; and the defendant shall be entitled to review, in the court of appeals, such order or judgment of affirmance of such general term by writ of error subject in other respects to the provisions of this title, notwithstanding sentence has not been passed, and in case the court of appeals shall affirm such conviction, it shall remand the case for sentence to the court in which the trial was had.

§ 2. This act shall take effect immediately.

Ante, vol. 2, p. 765.

CHAP. 460.

AN ACT to amend chapter one hundred and twenty-three of the laws of eighteen hundred and fifty-four, entitled "An act to promote medical science." Medical science.

PASSED June 8, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter one hundred and twenty-three of the laws of eighteen hundred and fifty-four, entitled "An act to promote medical science," is hereby amended so as to read as follows: Amending ch. 123, Laws 1854.

§ 1. It shall be lawful in cities whose population exceeds thirty thousand inhabitants, and in counties containing said cities, to deliver to the professors and teachers in medical colleges and schools in this State, and for said professors and teachers to receive the remains or body of any deceased person, for the purposes of medical and surgical study; provided that said remains shall not have been regularly interred, and shall not have been desired for interment, by any relative or friend of said deceased person, within twenty-four hours after death; provided, also, that the remains of no person, who may be known to have relatives or friends, shall be so delivered or received, without the consent of said relatives or friends; and provided, that the remains of no one detained for debt, or as a witness, or on suspicion of crime, or of any traveler, nor of any person who shall have expressed a desire, in his or her last sickness, that his or her body may be interred, shall be delivered or received as aforesaid, but shall be buried in the usual manner; and provided also that in case the remains of any person so delivered or received shall be subsequently claimed by any surviving relative or friend, they shall be given up to said relative or friend for interment. And it shall be the duty of the said professors and teachers decently to bury in some public cemetery the remains of all bodies, after they shall have answered the purposes of study aforesaid; and for any neglect or violation of this provision of this act, the party so neglecting shall forfeit and pay a penalty of not less than twenty-five nor more than fifty dollars to be sued for by the health officers of said cities or of other places for the benefit of their department. When cadavers may be delivered to medical men.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

Ante, vol. 3, p. 717.

CHAP. 462.

State re-
formatory.

AN ACT to amend chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the imprisonment of convicts in the New York State reformatory at Elmira, and the government and release of such convicts by the managers."

PASSED June 3, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 173,
Laws 1877.

SECTION 1. Section three of chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the imprisonment of convicts in the New York State reformatory at Elmira, and the government and release of such convicts by the managers," is hereby amended so as to read as follows:

Record to
be fur-
nished—
what to
contain.

§ 3. Every clerk of any court by which a criminal shall be sentenced to the New York State reformatory shall furnish to the officer having such criminal in charge a record containing a copy of the indictment, and of the plea, the names and residences of the justices presiding at the trial, also of the jurors, and of the witnesses sworn on the trial, a full copy of the testimony, and of the charge of the court, the verdict, the sentence pronounced, and the date thereof, which record duly certified by the clerk, under his hand and official seal, may be used as evidence against such criminal in any proceeding taken by him for a release from imprisonment by habeas corpus or otherwise. A copy of the testimony taken on the trial, and of the charge of the court, shall be furnished to the clerk for the purposes of this act, by the stenographer acting upon the trial, or if no stenographer be present, by the district attorney of the county, but the court may direct the district attorney to make a summary of such testimony, which summary may, after approval and by direction of the court, be made a part of the record herein provided for, and if the court so directs, a copy of the testimony need not be made and may be omitted from such record. The stenographer or district attorney furnishing such copy or summary, and the county clerk, shall be entitled to such compensation, in every case in which they shall perform the duties required by this act, as shall be certified to be just by the presiding judge at the trial, and shall be paid by the county in which the trial is had, as part of the court expenses. The clerk shall, also, upon any such conviction and sentence, forthwith transmit to the superintendent of the reformatory notice thereof.

§ * This act shall take effect immediately.

Ante, p. 898.

CHAP. 463.

Religious
societies.

AN ACT to amend an act entitled "An act supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies,'" passed March twenty-ninth, eighteen hundred and seventy-five.

PASSED June 3, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Alteration
of time of
election or
term of
office of
trustees.

SECTION 1. The first section of an act passed March twenty-nine, eighteen hundred and seventy-five, entitled "An act supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies,'" is hereby amended by adding the follow-

* So in the original.

ing words at the end of said section: And that whenever hereafter any church, congregation or society, incorporated under and by virtue of the provisions of section three of chapter sixty of the laws of eighteen hundred and thirteen, may desire to alter the time of the election of its trustees, or to alter the dates upon which the terms of office of such trustees shall begin and end, such church, congregation or society may make such change or alteration; and at any regular meeting of the members of such church, congregation or society, by a resolution of a majority of such members present and voting, may fix and prescribe the time when such election of trustees shall take place, or the dates when the terms of office of such trustees shall respectively begin and end; but the same previous notice of such meeting, and the object thereof, must be given that is now required by law for a meeting at which the election of trustees is to take place; provided that nothing in this act shall affect trustees already elected, and that nothing herein contained shall be construed to permit an election of trustees for a longer period than is now allowed by law.

§ 2. This act shall take effect immediately.

Ante, p. 57.

CHAP. 471.

AN ACT authorizing certain sums of money to be paid to prisoners, Convicts.
confined in the county penitentiaries, upon their discharge therefrom.

PASSED June 4, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the superintendents of county penitentiaries to furnish to each convict, male or female, who shall have been convicted of a felony, and imprisoned in said penitentiaries in pursuance of the provisions of chapter five hundred and seventy-one of the laws of eighteen hundred and seventy-five, upon their discharge from prison, by pardon or otherwise, necessary clothing, not exceeding twelve dollars in value, except for the time between the first day of November and the first day of April, when clothing, not exceeding eighteen dollars in value, may be given; and a sum of money not exceeding, on an average, five dollars, as said superintendent may deem proper and necessary; and the sum of four cents for each mile which it may be necessary for each convict to travel to reach his or her place of residence within this State, and if such convict has no residence within the State, to the place of his or her conviction.

Payments to convicts on discharge from county penitentiary.

§ 2. It shall be the duty of the superintendents of said penitentiaries to make a return to the comptroller of this State, under oath on the thirtieth day of September of each year, in which he shall fully set forth the name of each convict received in said penitentiaries, by virtue of the act named in section one of this act, in what court convicted, before what presiding justice or judge the offense for which conviction was had, the date of such conviction and length of sentence, date of reception of such convict at such penitentiaries, and the date of his or her discharge therefrom; and, in detail, the sums of money paid by them under the provisions of section one of this act.

Report of superintendent.

§ 3. The comptroller shall thereupon audit and allow to such penitentiaries such sum as may be found due to them, under the foregoing provision, during the year preceding said thirtieth day of September, and shall draw his warrant upon the treasury of the State in favor of the superintendent of each penitentiary, for the amount so audited and allowed, payable out of any money in the treasury not otherwise appropriated.

Comptroller to audit and pay claims.

§ 4. This act shall take effect immediately.

Ante, p. 193. Similar to the provisions in vol. 2, p. 792, *ante* (amended vol. 9, p. 953), in regard to clothing and money furnished to convicts when discharged from State prisons.

CHAP. 472.

Intoxicating liquors.

AN ACT declaratory of chapter one hundred and forty-five of the laws of eighteen hundred and seventy-nine, entitled "An act to further amend chapter one hundred and seventy-five of the laws of eighteen hundred and seventy, entitled 'An act regulating the sale of intoxicating liquors,'"

PASSED June 4, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Declaratory of ch. 145, Laws 1879.

SECTION 1. Nothing contained in chapter one hundred and forty-five of the laws of eighteen hundred and seventy-nine, entitled "An act to further amend chapter one hundred and seventy-five of the laws of eighteen hundred and seventy, entitled 'An act regulating the sale of intoxicating liquors,'" shall be construed to affect the provisions of chapter six hundred and forty-two of the laws of eighteen hundred and seventy-four, entitled "An act declaratory of and to amend chapter five hundred and forty-nine of the laws of eighteen hundred and seventy-three, entitled 'An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April eleventh, eighteen hundred and seventy, and the act entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April sixteenth, eighteen hundred and fifty-seven,'" passed June twenty-third, eighteen hundred and seventy-four.

§ 2. This act shall take effect immediately.

Ante, p. 716.

CHAP. 474.

Street railroad roads.

AN ACT to prevent the delaying of passengers on street railroad cars, and to prohibit obstructing the free passage of street railroad cars.

PASSED June 5, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Obstructing.

SECTION 1. Every person who shall willfully obstruct, hinder, or delay the passage or running of any car lawfully running upon any horse or street railroad in this State, shall be deemed guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

CHAP. 478.

New York.

AN ACT to amend chapter one hundred and twenty-five of the laws of eighteen hundred and seventy-eight, entitled "An act relating to contracts for lighting the public lamps in the city of New York."

PASSED June 5, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending ch. 125, Laws 1878.

SECTION 1. Section one of chapter one hundred and twenty-five of the laws of eighteen hundred and seventy-eight, entitled "An act relating to contracts for lighting the public lamps in the city of New York," is hereby amended so as to read as follows:

Contracts for lighting streets, etc.

§ 1. The board authorized to make and enter into contracts for lighting the streets, avenues and places of the city of New York, with gas, consisting of the mayor, comptroller and commissioner of public works, is hereby authorized and empowered to contract for such lighting the public lamps on the streets, avenues, piers, parks and places, with gas or other illuminating material in said city, by one or more contracts to be let at public lettings, as provided by law, for a period of one year, or any part of a year, and commencing and terminating at any dates the said board may determine; and the care and maintenance of such lamps shall be under the supervision of the commissioner of public works. Provided always that the department of public parks shall have exclusive authority to decide when and where any new lamps shall be put up and lighted in any of said parks or places under its control.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Ante, p. 585.

CHAP. 481.

AN ACT to amend chapter three hundred and seventy-nine New York.
of the laws of eighteen hundred and seventy-eight, entitled
"An act relative to judgments entered upon forfeited
recognizances in the city and county of New York."

PASSED June 5, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and seventy-nine Amending
ch. 879,
Laws 1878.
of the laws of eighteen hundred and seventy-eight, entitled "An act
relative to judgments entered upon forfeited recognizances in the city
and county of New York," is hereby amended so as to read as
follows:

§ 1. Any one of the judges presiding at the court of general ses- Vacating
judg-
ments on
forfeited
recogniz-
ances.
sions of the peace in and for the city and county of New York, and
any justice presiding at a court of oyer and terminer in said county, in
whichever court any recognizance shall be forfeited, may upon the
certificate of the district attorney of the county of New York that the
people of the State of New York have lost no rights by reason of the
failure of a surety to produce a principal in compliance with the
terms of a recognizance given by them, and that by reason of the
principal being produced the said people of the State of New York
are in as good a position to prosecute said principal as when such
failure occurred, whether such principal has been tried or whether a
nolle prosequi has been entered or not, by order vacate and set aside
or modify any judgment heretofore entered, or that may be hereafter
entered upon the forfeiture of such recognizance against such principal
and surety, or against either and as to either, on payment to the
chamberlain of the city of New York of all costs included in such
judgment or judgments, and of all expenses incurred in the apprehen-
sion or recapture of such principal, and if such fine shall have been
paid or judgment collected in whole or in part upon such forfeited
recognizance, the court may in its discretion direct the same or any
part thereof to be remitted, and the officers, district attorney, cham-
berlain of the city of New York, in whose hands the money remains,
must pay the same, or the part remitted, according to the order,
retaining the costs, if any, as aforesaid.

§ 2. This act shall take effect immediately.

Ante, p. 648.

CHAP. 485.

Insurance
compa-
nies.

AN ACT to amend chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and casualty insurance companies, and in relation to agencies of such companies."

PASSED June 6, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 463,
Laws 1868.

SECTION 1. Section one of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies and casualty insurance companies, and in relation to agencies of such companies," is hereby amended so as to read as follows:

For what
purposes
may be in-
corpo-
rated.

§ 1. Any number of persons not less than thirteen in number, may associate and form an incorporation or company for any of the purposes specified in either of the following departments:

First department. To make insurance upon the lives of persons, and every insurance appertaining thereto, or connected therewith, and to grant, purchase or dispose of annuities.

Second department. To make any of the following kinds of insurance: First, upon the health of persons; second, against injury, disablement or death of persons resulting from traveling, or general accidents by land or water; third, guaranteeing the fidelity of persons holding places of public or private trust; fourth, upon the lives of horses, cattle and other live stock; fifth, upon plate-glass against breakage; sixth, upon steam boilers against explosion and against loss or damage to life or property resulting therefrom; seventh, against loss by burglary or theft, or both.

§ 2. Section two of said act is hereby amended so as to read as follows:

Limita-
tions on
business.

§ 2. No company organized under this act, for the purpose named in the first department, shall undertake either of the risks mentioned in the second department, and no company organized under this act for either of the purposes mentioned in the second department shall undertake any business mentioned in the first department, nor shall any such company hereafter organized undertake or do more than one of the several kinds of insurance mentioned in said second department; and no company organized under this act shall undertake any business or risk, except as herein provided; provided that nothing herein contained shall affect the business of any company heretofore duly organized under the second department of this act.

§ 3. Section three of said act is hereby amended so as to read as follows:

Declara-
tion to be
filed.

§ 3. The persons referred to in the first section of this act shall be designated as incorporators, and they shall file in the office of the superintendent of the insurance department a declaration signed by each of the incorporators, setting forth their intentions to form a company for the purpose or purposes named in this act, and the department under which the company is intended to be formed, which declaration shall comprise a copy of the charter they propose to adopt, and the said

charter shall set forth the name of the company; the place where it is to be located; the kind of business to be undertaken and the department of the first section of this act by which such business is authorized; the mode and manner in which the corporate powers of the company are to be exercised; the manner of electing the trustees or directors and officers, a majority of whom shall be citizens of this State, and the time of such election; the manner of filling vacancies; the amount of capital to be employed; and such other particulars as may be necessary to explain and make manifest the objects and purposes of the company, and the manner in which it is to be conducted.

§ 4. This act shall take effect immediately.

Ante, vol. 4, p. 216; vol. 6, p. 468.

CHAP. 489.

AN ACT to regulate the issuance of policies, and the reinsurance thereof, by fire insurance companies transacting business in this State.

Fire insurance.

PASSED June 7, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hereafter it shall not be lawful for any fire insurance company, organized or incorporated under the laws of this State, to issue any policy or policies, on any one risk in excess of ten per centum of its paid-up capital stock and net surplus.

Limits as to risk.

§ 2. No fire insurance company organized under the laws of any other State shall issue any policy or policies in this State, or on risks located in this State, on any one risk, in excess of ten per centum of its paid-up capital stock and net surplus; and no person, partnership association, corporation or company of another country shall issue any policy or policies in this State, or on risks located in this State, in excess of ten per centum of the capital stock, as ascertained under the provisions of chapter eight hundred and eighty-eight of the laws of eighteen hundred and seventy-one, a statement of which has been duly filed with the insurance department of this State, and the certificate of the superintendent issued therefor.

Limits as to risks taken by foreign companies.

§ 3. It shall not be lawful for any fire insurance company organized or incorporated under the laws of this State to reinsure any risk with any person, partnership association, corporation or company which, at the date of such reinsurance, was not authorized to transact business in this State; and no person, partnership association, corporation or company organized or incorporated under the laws of any other State or country shall reinsure any risk written or located within this State, with any person, partnership association, corporation or company not admitted to transact business in this State; and it shall be the duty of the superintendent of the insurance department to require schedules of reinsurance from each person, partnership association, corporation or company transacting business in this State, whenever such person, partnership association, corporation or company files a true statement of its condition in said department.

Re-insurance.

§ 4 When reinsurance is made by any person, partnership association, corporation or company as provided in this act, such person, partnership association, corporation or company so reinsuring shall be

Reserved fund in case of re-insurance.

Excep-
tions as to
limits on
risk.

Penalty.

required to hold as an unearned premium fund an amount equal to the unearned portion of the gross premiums charged on such reinsured policies, from the date of their issuance by the company thus reinsured. When any part of the risk shall be reinsured under this act the amount so reinsured shall not be included in the ten per centum to which risks are limited as hereinbefore provided.

§ 5. Any fire insurance company organized or incorporated under the laws of this State, or person, partnership association, corporation or company of any other State or country violating any of the provisions of this act, shall be subject to the payment of a penalty of five hundred dollars for each violation, which shall be sued for and recovered in the name of the people by the attorney-general, and the said penalty when recovered shall be paid into the treasury of the State.

§ 6. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 7. This act shall take effect immediately.

Ante, p. 407; vol. 9, p. 233; vol. 4, pp. 208, 226.

CHAP. 490.

Insurance
compa-
nies.

AN ACT to amend section two, chapter two hundred and nine of the laws of eighteen hundred and seventy-seven, entitled "An act regulating the amount of capital stock for fire and marine insurance companies."

PASSED June 7, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 209,
Laws 1877.

SECTION 1. Section two, chapter two hundred and nine of the laws of eighteen hundred and seventy-seven, entitled "An act regulating the amount of capital stock for fire and marine insurance companies," is hereby amended so as to read as follows:

Require-
ments of
foreign
fire insur-
ance com-
panies.

§ 2. Companies from other States and countries hereafter applying for admission to this State shall be possessed of at least the amount of capital required from companies organized under the laws of this State, and the total capital of such companies must be fully paid in, in cash. It shall be the duty of the superintendent of the insurance department to refuse admission to any such company unless its assets are of the same general character that companies of this State are permitted to hold, nor shall any such company be admitted to transact business in this State unless it shall file in the office of the superintendent of the insurance department an agreement under its corporate seal that it will not (while authorized to do business in this State) transact any business which any fire insurance company of this State, organized under the general insurance act, is prohibited from transacting, and any company violating the provisions of said agreement shall have their certificates of authority revoked by the said superintendent forthwith; provided, the assent of the attorney-general shall be previously obtained.

§ 2. This act shall take effect immediately.

Ante, p. 401.

CHAP. 492.

AN ACT to amend chapter sixty-nine of the laws of eighteen hundred and fifty-three, entitled "An act extending the time for the collection of taxes when stayed by injunction or otherwise."

PASSED June 9, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter sixty-nine of the laws of eighteen hundred and fifty-three, entitled "An act extending the time for the collection of taxes when stayed by injunction or otherwise," is hereby amended so as to read as follows:

Amending
ch. 69,
Laws 1853.

§ 1. In all cases where proceedings for the collection of taxes are by injunction or order or other proceeding of a court of record, stayed or suspended before the time allowed by law for the collector's return, or in case such collection shall be so stayed by several or successive orders, injunctions or proceedings, the collector shall make his return at the time appointed by law of such portion of such taxes as have been collected by him, if any, and set forth the facts of such stay or suspension, and the collector or other officer having a warrant or process for the collection thereof, if the stay or suspension commenced within thirty days from the time of the receiving of the warrant by him, may, within sixty days, or if the stay or suspension shall not have commenced within thirty days from the time of the receiving of the warrant by him, may, within thirty days after such stay or suspension of proceedings is terminated or removed, or in case of several or successive stays or suspensions then after the termination or removal of the last thereof, and notwithstanding the period for the collection of such taxes under such warrant or process may have expired, and notwithstanding the term of office of such collector holding such such * warrant may have expired, proceed in the same manner and with the same effect to collect the same as if his warrant or process were still in force, and the same shall be deemed in full force and effect for such purposes.

Collection
of taxes,
when
stayed by
injunction.

§ 2. Any collector of taxes who shall at the time of the passage of this act hold a warrant duly issued to him for the collection of taxes upon which proceedings shall have been stayed or suspended in the manner stated in the last section, and which stay or suspension shall be removed, may proceed to collect the taxes which shall remain uncollected thereon in the same manner and within the same time, as is provided after the termination or stay in the last section such time to commence at the date of the passage of this act.

§ 3. This act shall take effect immediately.

Ants, vol. 3, p. 353.

* So in the original.

CHAP. 503.

Railroads.

AN ACT to amend chapter two hundred and fifty-four of the laws of eighteen hundred and sixty-seven, entitled "An act in relation to railroads held under lease."

PASSED June 12, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 264,
Laws 1867.

SECTION 1. Section one of chapter two hundred and fifty-four of the laws of eighteen hundred and sixty-seven, entitled "An act in relation to railroads held under lease," is hereby amended so as to read as follows:

Lessees of
railroad
may ac-
quire
stock
therein.

§ 1. Any railroad corporation created by the laws of this State, or its successors, being the lessee of the road of any other railroad corporation, may take a surrender or transfer of the capital stock of the stockholders, or any of them in the corporation whose road is held under lease, and issue in exchange therefor the like additional amount of its own capital stock at par, or on such other terms and conditions as may be agreed upon between the two corporations; and whenever the greater part of the capital stock of any such corporation shall have been so surrendered or transferred, the directors of the corporation taking such surrender or transfer shall thereafter, on a resolution electing so to do, to be entered on their minutes, become ex officio the directors of the corporation whose road is so held under lease, and shall manage and conduct the affairs thereof, as provided by law; and whenever the whole of the said capital stock shall have been so surrendered or transferred, and a certificate thereof filed in the office of the secretary of State, under the common seal of the corporation to whom such surrender or transfer shall have been made, the estate, property, rights, privileges and franchises of the said corporation whose stock shall have been so surrendered or transferred, shall thereupon vest in and be held and enjoyed by the said corporation, to whom such surrender or transfer shall have been made, as fully and entirely, and without change or diminution, as the same were before held and enjoyed, and be managed and controlled by the board of directors of the said corporation, to whom such surrender or transfer of the said stock shall have been made, and in the corporate name of such corporation. The rights of any stockholder not so surrendering or transferring his stock, shall not be in any way affected hereby, nor shall existing liabilities or the rights of creditors of the corporation, where stock shall have been so surrendered or transferred, be in any way affected or impaired by this act.

§ 2. This act shall take effect immediately.

Ante, vol. 7, p. 79.

CHAP. 504.

AN ACT to amend chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, entitled "An act for the regulation of tenement and lodging-houses in the cities of New York and Brooklyn." Tenement
houses

PASSED June 16, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, entitled "An act for the regulation of tenement and lodging-houses in the cities of New York and Brooklyn," is hereby amended so as to read as follows: Amending
ch. 908,
Laws 1867.

§ 13. It shall not be lawful hereafter to erect for, or convert to, the purposes of a tenement or lodging-house, a building on any lot where there is another building on the same lot, unless there is a clear open space exclusively belonging thereto, and extending upwards from the ground of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be not less than twenty feet; and if they are more than three stories high, the distance between them shall be not less than twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging-house on any lot, there shall be a clear, open space of not less than ten feet between it and the rear line of the lot. But when thorough ventilation of such open spaces can be otherwise secured, such distances may be lessened or modified in special cases by a permit from the board of health. No one continuous building shall be built or converted to the purposes of a tenement or lodging-house in the city of New York upon an ordinary city lot, to occupy more than sixty-five per centum of the said lot, and in the same proportion if the lot be greater or less in size than twenty-five feet by one hundred feet; but this provision shall not apply to corner lots, and may be modified in other special cases by a permit from the board of health. Spaces
between
buildings.

Space at
rear.

Limits as
to occupa-
tion of lot.

§ 2. The fourteenth section of the said act is hereby amended so as to read as follows:

§ 14. In every such house hereafter erected or converted, every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building, shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such room. Every such room shall have, at least, one window, connecting with the external air, or over the door a ventilator of perfect construction, connecting it with a room or Construc-
tion of
rooms.

hall which has a connection with the external air, and so arranged as to produce a cross-current of air. The total area of window or windows in every room communicating with external air, shall be at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows shall not be less than seven feet and six inches above the floor, and the upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fire-place, shall be provided with special means of ventilation by a separate air-shaft extending to the roof, or otherwise, as the board of health may prescribe. But in all houses hereafter erected or converted in the city of New York, which shall be used, occupied, leased or rented for a tenement or lodging-house, every room used, let or occupied by any person or persons for sleeping, shall have at least one window, with a movable sash, having an opening of not less than twelve square feet, admitting light and air directly from the public street or the yard of the said house, unless sufficient light and ventilation shall be otherwise provided, in a manner and upon a plan approved by the board of health.

Over-crowding.

§ 3. Whenever it shall be certified to the board of health of the city of New York, by the sanitary superintendent, that any tenement-house or room therein is so overcrowded that there shall be afforded less than six hundred cubic feet of air to each occupant of such building or room, the said board may, if it deem the same to be wise or necessary, issue an order requiring the number of occupants of such building or room to be reduced, so that the inmates thereof shall not exceed one person to each six hundred cubic feet of air-space in such building or room. Such excess in the number of occupants shall be reduced to the standard hereby designated within ten days after the service of an order therefor upon the owner, lessee, occupant, or agent of such building or room. Whenever there shall be more than ten families living in any tenement-house, in which the owner thereof does not reside, there shall be a janitor, housekeeper, or some other responsible person, who shall reside in the said house and have charge of the same, if the board of health shall so require.

Tenement house fund.

§ 4. The board of estimate and apportionment of the city of New York shall, within twenty days after the passage of this act, transfer from any unexpended balances standing to the credit of any department of said city, or shall otherwise provide, and shall annually hereafter appropriate to the credit of the health department, the sum of ten thousand dollars, to be known as The Tenement House Fund, to be expended by the board of health.

Detail of police to enforce act.
Amended by ch. 399, L. 1890, post, p. 1008.

§ 5. The board of police of the city of New York, upon the requisition of the board of health of the city of New York, shall detail to the service of the said board of health, for the purpose of the enforcement of the provisions of this act, and of chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, in the said city, not exceeding thirty suitable officers and men of experience, of at least five years' service in the police force, provided that the board of health shall pay monthly to the board of police a sum equal to the pay of all officers and men so detailed. These officers and men shall belong to the sanitary company of police, and shall report to the president of the board of health. The board of health may report back to the board of police for punishment any member of said company guilty of any breach of orders or discipline, or of neglecting his duty,

and thereupon the board of police may detail another officer or man in his place ; and the discipline of said members of the sanitary company shall be in the jurisdiction of the board of police ; but at any time the board of health may object to the efficiency of any member of said sanitary company, and thereupon another officer or man may be detailed in his place.

§ 6. Every owner or other person violating any provision of this act shall be liable to pay a penalty of ten dollars for each and every day that such offense shall continue. Such penalty may be sued for and recovered by the board of health, and when recovered shall be paid over to the city chamberlain, and become part of the Tenement House Fund. In every proceeding for a violation of this act, and in every such action for a penalty, the owner shall be *prima facie* the person liable to pay such penalty, and after him the person who is the lessee of the whole house, in preference to the tenant or lessee of a part thereof. In any such action the owner, lessee and occupant, or any two of them, may be made defendants ; and judgment may be given against the one or more shown to be liable as if he or they were the sole defendant or defendants. Penalty.

§ 7. This act shall take effect immediately.

CHAP. 505.

AN ACT to facilitate the foreclosure of mortgages made by consolidated railroad companies of railroads lying partly within and partly without this State. Railroad mortgages.

PASSED June 16, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever a railroad corporation whose line of road lies partly in this State and partly in another State or States, which corporation shall have been created by the consolidation of a railroad corporation of this State with a railroad corporation or corporations of another State or States, shall have executed a mortgage upon its entire line of railroad, and a sale of the entire line of road under such mortgage shall have been or may hereafter be ordered, adjudged and decreed by a court of competent jurisdiction of the State or States in which the greater part of such line of railroad may be situated, upon the confirmation of such judgment or decree, and of the sale made thereunder, by the supreme court of this State in the judicial district in which some part of such line of road is situated, such sale shall operate to pass title to the purchaser of that part of the line of railroad lying in this State, together with its appurtenances and franchises, with the same force and effect as if the judgment or decree under which such sale is had had been made by a court of competent jurisdiction of this State. Such judgment or decree and sale may be so confirmed in any action now pending, or that may hereafter be brought in the said supreme court, for the foreclosure of such mortgage or in aid of an action for that purpose pending in such other State, if it shall appear that such confirmation is for the interest of the public and of the parties, due and lawful provision being made for and in respect of any liens upon that part of the line of road or other property sold situate in this State Foreclosure of mortgages made by consolidated railroads lying only partly in the State.

and for such costs, expenses and charges as may appear to be just and lawful. If a receiver of the entire line of such railroad shall have been, or may hereafter be appointed by such court of competent jurisdiction of the State in which the greater part of the line of railroad is situated, such receiver may perform, within this State, the duties of his office not inconsistent with the laws of this State, and may sue and be sued in the courts of this State.

Powers of
corporations of
other
States.

§ 2. A corporation created under the laws of the State in which the greater part of the line of such railroad may be situated, for the purpose of taking title to and operating the entire line of railroad, so sold as provided in the preceding section, with its franchises and appurtenances, the judgment, decree and sale having been duly confirmed and approved, as therein provided, may hold, possess and operate that part of the line of such railroad lying in this State, and shall have all the rights and franchises theretofore possessed by the corporation executing the mortgage under which such judgment or decree and sale was made, and such as now are or may hereafter be conferred upon railroad corporations organized under the laws of this State, and shall be subject to the duties and liabilities to which such corporation was by the laws of this State subject, and to such further or other duties and liabilities as are now or may hereafter be imposed by law upon railroad corporations of this State, provided that an exemplified copy of the charter, certificate of incorporation or articles of association under and by virtue of which such corporation is created, and of the judgment or decree under which said entire line of railroad was sold, and a certified copy of the order or judgment or decree of confirmation and approval required by the preceding section, shall be filed in the office of the secretary of State for this State.

§ 3. This act shall take effect immediately.

CHAP. 510.

AN ACT to prescribe the rate of wharfage on clam and oyster boats in New York, Brooklyn and Long Island City.

PASSED June 16, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Wharfage
on oyster
boats.

SECTION 1. It shall be lawful to charge and receive, within the cities of New York, Brooklyn and Long Island City, wharfage and dockage on every vessel of two hundred tons burden and under, which shall be actually engaged in the clam or oyster trade, and which shall make fast to any pier, wharf or bulkhead within said cities, or either of them, one and one-half cents per ton per day, and on every such vessel, which shall make fast to another vessel lying at any such pier, wharf or bulkhead, or to any vessel lying outside of such vessel, or that shall anchor within any slip or basin in said cities, one cent per ton per day; provided, however, that no vessel shall pay less than twenty-five cents nor less than one day's wharfage, nor shall more than one day's wharfage be charged unless for a continuous use of the pier, wharf, bulkhead, slip or basin of more than twenty-four hours.

§ 2. This act shall take effect immediately.

CHAP. 512.

AN ACT to authorize gas-light companies to use electricity instead of gas for the lighting of streets, public places, and public and private buildings in cities, villages and towns within this State. Electric lights.

PASSED June 16, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any corporation duly organized under the act entitled "An act to authorize the formation of gas-light companies," passed February sixteenth, eighteen hundred and forty-eight, and the several acts amendatory thereof, may use electricity instead of gas as the means of lighting streets, avenues, public parks and places, and public and private dwellings of cities, villages and towns within this State. Gas-light companies may use electricity.

§ 2. Any such company, described in the first section hereof, shall have full power to carry on the business of lighting by electricity cities, towns and villages within this State, and the streets, avenues, public parks and places thereof, and public and private dwellings therein ; and for the purposes of such business to generate and supply electricity, and to make, sell or lease all machines, instruments, apparatus and other equipment necessary therefor ; and shall also have power to lay, erect and construct suitable wires or other conductors, with the necessary poles, pipes or other fixtures in, on, over and under the streets, avenues, public parks and places of such cities, towns or villages, for conducting and distributing electricity, with the consent of the municipal authorities thereof, and under such reasonable regulations as they may prescribe.

§ 3. The city of Brooklyn and the county of Kings are hereby exempted from the provisions of this act.

§ 4. This act shall take effect immediately.

Ante, vol. 3, p. 849.

CHAP. 513.

AN ACT to provide for the payment of pensions to widows or children of officers or members of the uniformed force of the fire department of the city of New York. New York.

PASSED June 16, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows ;

SECTION 1. The trustees of the relief fund of the fire department of the city of New York, created by chapter seven hundred and forty-two of the laws of eighteen hundred and seventy-one, and the acts amendatory thereof and supplementary thereto, are hereby authorized and empowered from time to time, to pay a pension out of the said relief fund to the widow, child or children of any deceased officer or member of the uniformed force of the said fire department, as established in the city of New York by chapter two hundred and forty-nine of the laws of eighteen hundred and sixty-five, and the acts amenda- Payment of pensions to widows and orphans of members of fire department.

tory thereof and supplementary thereto, if the death of such officer or member occurred during his service in the said uniformed force, or after he was retired from service in said uniformed force under the provisions of section fourteen of chapter seven hundred and forty-two of the laws of eighteen hundred and seventy-one, and the acts amendatory thereof; provided that the amount of any such pension to be paid by the said trustees, to each of the several representatives of such officer or member as aforesaid (in case there shall be more than one), may be from time to time determined by the said trustees, according to the circumstances of each case, and that such pension may be ordered to cease and terminate at any time if, in the opinion of the trustees, the circumstances should warrant the same; and further provided that not more than three hundred dollars shall be paid in any one year to the representative or representatives of such officer or member, and that no part of such sum shall be paid to any such widow who shall marry again, after her re-marriage, or to any child after it shall have reached the age of sixteen years.

CHAP. 516.

New York. AN ACT to amend chapter four hundred and forty-five of the laws of eighteen hundred and seventy-seven, entitled "An act to provide for perfecting and perpetuating the right and title of the city of New York to property, water, water-rights and privileges heretofore taken or used, or which may be hereafter taken or used by said city to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using."

PASSED June 16, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 445,
Laws 1877.

Amending
title.

SECTION 1. The title of the act entitled "An act to provide for perfecting and perpetuating the right and title of the city of New York to property, water, water-rights and privileges heretofore taken or used, or which may be hereafter taken or used by said city to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using," is hereby amended so as to read as follows: "An act to provide a further supply of pure and wholesome water for the city of New York, and to provide for perfecting and perpetuating the right and title of the city of New York to property, water, water-rights and privileges heretofore taken or used, or which may be hereafter taken or used by said city to increase the supply of pure and wholesome water for the use of said city, and to provide for the payment and extinguishment of all claims or damages growing out of such taking or using."

§ 2. The twenty-fourth section of the said act, hereby amended, is hereby amended so as to read as follows:

Repeal.

§ 24. All acts and parts of acts inconsistent with this act are hereby repealed, provided that nothing herein contained shall at any time be understood, held or construed to repeal any part of chapter fifty-six of the laws of eighteen hundred and seventy-one, entitled "An act to provide a further supply of pure and wholesome water for the city of New York," passed February twenty-seventh, eighteen hundred and seventy-one, excepting the fourth section thereof, which is hereby repealed, nor to repeal the act amendatory of said act, passed April sixth, eighteen hundred and seventy-one, being chapter three hundred and twenty-eight of the laws of eighteen hundred and seventy-one.

§ 8. This act shall take effect immediately.

Ante, pp. 455, 464.

CHAP. 519.

AN ACT in relation to auctioneers in the counties of New York and Kings. Auctioneers.

PASSED June 16, 1879 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. No auctioneer shall hereafter demand or receive for his services in selling at public auction, in the counties of New York or Kings, any real estate directed to be sold by any judgment or decree of any court of this State a greater compensation or fee than fifteen dollars for each parcel separately sold ; but where such sale is made at any public salesroom, said auctioneer may demand and receive such further amount not exceeding two dollars for each parcel separately sold as he may have actually paid for the privilege or right of making said sale in such salesroom as aforesaid, but where one or more lots are so sold at public auction with the privilege to the purchaser of taking one or more additional lots at the same rate or price, nothing herein contained shall be construed to prevent the auctioneer making such sale from demanding and receiving for his services the compensation or fee above allowed, for each additional lot taken by said purchaser under such option or privilege. Fees on judicial sales in New York and Kings counties.

§ 2. No fees or compensation which any auctioneer receives or is entitled to receive on any sale under the provisions of the preceding section shall be divided with, or any portion thereof either directly or indirectly allowed or paid to the receiver, referee, sheriff or other officer under whose direction such sale is made, or to any of the attorneys in the action or proceedings. Fees not to be divided.

§ 3. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than two hundred and fifty dollars and not exceeding five hundred dollars for each offense, and also by the revocation of his license as auctioneer. Penalty.

§ 4. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 522.

AN ACT further to amend chapter four hundred and four of the laws of eighteen hundred and seventy-seven, entitled "An act to provide for the disposition and sale of certain lateral canals of this State, and the lands, rights and other property connected therewith." Canals.

PASSED June 18, 1879 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of chapter four hundred and four of the laws of eighteen hundred and seventy-seven, entitled "An act to provide for the disposition and sale of certain lateral canals of this State, and the lands, rights and other property connected therewith," is hereby amended so as to read as follows : Amending ch. 404, Laws 1877.

§ 3. It shall be the duty of the superintendent of public works, subject to the approval of the canal board as soon as practicable after the passage of this act, except as hereinafter provided, to advertise for sale and to sell the following property belonging to this State, namely : the Crooked Lake canal, its appurtenances and the water privileges connected therewith, provided the hydraulic action and the natural flow of the outlet of said lake shall not be diverted or changed, any of the provisions of this bill to the contrary notwithstanding ; also, as soon after January first, eighteen hundred and eighty, as the canal board shall deem the best interests of the State, to advertise for sale and to sell that portion of the Chenango canal as described in section Sale of lateral canals.

two of this act, the Chemung canal and its feeders, branches and appurtenances and water privileges after the close of navigation in the year eighteen hundred and seventy-eight; and as soon after January first, eighteen hundred and eighty, as the said board shall deem the best interests of the State, the Genesee Valley canal, its feeders, branches, appurtenances. When the Chemung canal shall cease to be used as such, the water power, rights and privileges on the Chemung river so far as they were taken and appropriated for the purposes of the canal, shall revert to the person or persons from whom they were taken, or to their successors in interest, and in any sale of that canal, such rights shall be reserved; but no dam or any water privilege sold or conveyed by the State shall be of any greater height, or of less width of spillway than the same was originally built by the State.

§ 2. Section eleven of said act is hereby amended so as to read as follows:

Sale for
railroad or
canal
purposes.

§ 11. Whenever the said superintendent shall ascertain that the prism and banks of either of said canals, or any considerable portions of either, are desired by responsible parties, or a responsible corporation or corporations, as a bed for the construction of a railroad, or for the continuance of the same as a canal, and that the same can be sold on as favorable terms and for as large an amount therefor as for other purposes, or where the use thereof is deemed for the interests of the locality through which the canal runs, the said superintendent is hereby authorized to sell after January first, eighteen hundred and eighty, either or any such portion of either of said canals for such railroad or canal purposes on obtaining proper security that the same shall be so constructed within three years from the sale thereof, and proper guarantees that the same shall be used and operated for the purpose indicated in this section, any thing hereinbefore contained to the contrary notwithstanding. All action by the superintendent under this act shall be only with the consent and approval of the canal board.

§ 4*. This act shall take effect immediately.

Ante, pp. 490, 632.

CHAP. 526.

Protection
of tax
payers.

AN ACT to amend chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-two, entitled "An act for the protection of tax payers against the frauds, embezzlements and wrongful acts of public officers and agents."

PASSED June 19, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 161,
Laws 1872.

SECTION 1. Section one of chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-two, entitled "An act for the protection of tax payers against the frauds, embezzlements, and

* So in the original.

wrongful acts of public officers and agents," is hereby amended so as to read as follows:

§ 1. All officers, agents, commissioners and other persons, acting for and on behalf of any county, town or municipal corporation in this State, and each and every one of them may be prosecuted, and an action or actions may be maintained against them to prevent waste or injury to any property, funds or estate of such county, town or municipal corporation by any person, or by any number of persons jointly, residing in such county, town or municipal corporation, assessed for the amount of ten thousand dollars, and liable to pay taxes upon such assessment therein, or who shall together be assessed for that amount and so liable, or who have either separately or together paid taxes therein upon an assessment of that amount within one year previous to the commencement of any such action or actions; provided that such person or persons shall first execute to such county, town or municipal corporation a bond, to be approved by a justice of the supreme court, in the sum of five thousand dollars, with two sureties of the kind, and who shall justify, at the motion of any defendant in such action, in the manner and according to the provisions prescribed by the Code of Civil Procedure for bonds given on appeals to the court of appeals, conditioned to save said county, town or municipal corporation harmless from all costs, charges and expenses by reason of such action; which bond shall be filed and a copy served with the summons in such action. This act shall not be so construed as to take away any right of action from any county, town or municipal corporation, or from any public officer, or as affecting actions now pending, brought by or against them, or any of them.

§ 2. This act shall take effect immediately.

Ante, vol. 9, p. 337. Ch. 161, L. 1872, was repealed by ch. 245, L. 1880, but the above act was not only not repealed, but on the contrary amended, and another section added to it by ch. 435, L. 1880 (*post*, p. 1016). See Co. Civ. Proc., sec. 1925, etc.

Actions against officers, agents, etc., of counties, towns, etc., to prevent waste, fraud, etc.

CHAP. 527.

AN ACT to amend chapter three hundred and eighty-nine of the laws of eighteen hundred and seventy-eight, entitled "An act to create a police pension fund for disabled and retired policemen in the city of New York," passed June four, eighteen hundred and seventy-eight.

New York police pension fund.

PASSED June 19, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter three hundred and eighty-nine of the laws of eighteen hundred and seventy-eight, entitled "An act to create a police pension fund for disabled and retired policemen in the city of New York," passed June four, eighteen hundred and seventy-eight, is hereby amended so as to read as follows.

Amending ch. 389 Laws 1878.

Term of
service.

§ 7. In determining the term of service of any member of the police force under the provisions of this act, service in the late municipal and metropolitan police department, and subsequently in the police department of the city of New York, shall be counted and held to be police service in the police department of the city of New York, for all the purposes of this act.

§ 2. This act shall take effect immediately.

Ante, p. 648.

CHAP. 529.

New York. **AN ACT** restricting the right to grant, use or occupy certain streets in the city of New York, for the purposes of an elevated railroad.

PASSED June 19, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Elevated
railroad.

SECTION 1. It shall not be lawful to grant, use or occupy for the purposes of an elevated railroad any portion of the following named streets and places in the city of New York, that is to say, Second avenue below Twenty-third street, Nassau street, Printing-House square, so called, south of Frankfort street, Park-row, Broadway south of Murray street, Broad street and Wall street. But nothing herein contained shall be construed to take away any right given by the report of the Rapid Transit Commissioners so called, or any existing right to cross at an elevation any of said streets, or to affect any act heretofore passed restricting the right to use or occupy any of said streets.

§ 2. This act shall take effect immediately.

CHAP. 530.

Inn and
boarding-
house
keepers.

AN ACT for the better protection of hotel-keepers, inn-keepers, lodging-house keepers and boarding-house keepers.

PASSED June 19, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Sale of
goods and
baggage of
guest to
satisfy
lien.

SECTION 1. Any hotel-keeper, inn-keeper, boarding-house or lodging-house keepers, who shall have a lien for fare, accommodation or board, upon any goods, baggage or other chattel property, and in his possession for a period of three months at least after the departure of the guest or boarder leaving the same, or who for a period of six months shall have in custody any unclaimed trunk, box, valise, package, parcel or other chattel property whatever, may proceed to sell the same at public auction; and out of the proceeds of such sale, may, in case of lien, retain the amount thereof and the expense of advertisement and sale; and, in case of unclaimed property, the expense of storage, advertisement and sale thereof; provided, in all instances, the notice specified in the next section be first given as therein directed.

§ 2. Fifteen days at least prior to the time of the sale, a notice of the time and place of holding the sale, and containing a brief description of the goods, baggage and articles to be sold, shall be published in a newspaper of general circulation, published in the city or town in which such hotel, inn or boarding-house is situated; but if there be none, then in such newspaper published nearest said city or town; and shall also be served upon said guest, boarder or owner of such chattel, articles and property, if he reside or can be found within the county where said hotel, inn, boarding-house or lodging-house is situated, by delivering the same to him personally, or leaving it at his place of residence with a person of suitable age in charge thereof. But if such guest, boarder or owner does not reside, or cannot be found in said county, then said notice shall be deposited in the post-office of said city or town, with the postage pre-paid thereon, fifteen days prior to said sale, and addressed to said guest, boarder or owner at his place of residence, if he left his address, or it be otherwise known to said hotel, inn, boarding-house keeper or lodging-house keeper. The sale shall take place between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, and all articles sold shall be to the highest bidder for cash.

Notice of sale.

Hour of sale.

§ 3. Such hotel-keeper, inn-keeper, boarding-house keeper or lodging-house keeper shall make an entry of the articles sold, and the balance of the proceeds of the sale, if any, and within ten days from such sale shall, upon demand, refund such balance and surplus to such guest, boarder or person leaving the articles sold.

Refunding surplus.

§ 4. In case such balance shall not be demanded and paid as specified in the last section, within said ten days, then within five days thereafter said hotel-keeper, inn-keeper, boarding-house keeper or lodging-house keeper shall pay said balance to the treasurer of the county, or chamberlain of said city, as the case may be, and shall at the same time file with said treasurer, or chamberlain, an affidavit made by him, in which shall be stated the name and place of residence, as far as they are known to him, of the guest, boarder, or person, whose goods, baggage, or chattel articles, were sold, the articles sold, and the price at which they were sold, the name and residence of the auctioneer making the sale, and a copy of the notice published, and how served, whether by personal service, or by mailing, and if not so served, the reason thereof.

When surplus to be paid to county treasurer.

Affidavit.

§ 5. Said treasurer or chamberlain shall keep said surplus moneys for, and credit the same to the persons named in said affidavit as said guest, boarder, or person leaving the articles sold, and shall pay the same to said person, his or her executors or administrators, upon demand, and evidence satisfactory to said treasurer or chamberlain furnished of their identity.

Duty of county treasurer.

§ 6. Nothing herein contained shall preclude any other remedy now existing for the enforcement of hotel-keepers, inn-keepers, boarding-house keepers or lodging-house keepers' lien, nor bar their right to recover for so much of the debt as shall not be paid through said sale.

Remedy not exclusive.

§ 7. This act shall take effect immediately.

Ante, p. 308; vol. 4, p. 680; vol. 7, pp. 469, 143; vol. 9, p. 206.

CHAP. 534.

Game law. **AN ACT** for the preservation of moose, wild deer, birds, fish and other game.

PASSED June 20, 1879; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Deer.

SECTION 1. No person shall kill or chase any wild deer in any part of the State, save only during the months of August, September, October and November in any year. No person, corporation, association or company shall sell, expose for sale, transport, or have in his or her possession, in this State, after the same has been killed, any wild deer or fresh venison, save only during the months of August, September, October and November. No persons shall, at any time, in this State, kill any fawn during the time when it is in its spotted coat, or have in his or her possession the carcass or skin of any such fawn after the same shall have been killed. No person shall, in any part of this State, set any trap, spring gun or other device, at any artificial salt lick or other place for the purpose of trapping and killing wild deer. It shall not be lawful to pursue deer with dogs in any county of this State, except from the fifteenth day of August to the first day of November. It shall not be lawful to pursue deer with dogs in the county of St. Lawrence at any time. It shall be lawful for any person to shoot or kill any dog while in actual pursuit of any deer in violation of the provisions of this act. It shall not be lawful for any person to kill, or cause to be killed, any wild deer in the counties of Suffolk and Queens, at any time within five years from the passage of this act. Any person offending against any of the preceding provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars for each wild deer or fawn so killed, or pursued or trapped, and for every spring gun so set, or wild deer or fawn skin or fresh venison had in his or her possession, and may be proceeded against therefor in any county of the State in which the offender or prosecutor may reside.

Traps for deer.

Chasing with dogs.

Shooting dog.

Suffolk and Queens counties.

Penalty. Moose.

§ 2. No person shall at any time or place within this State, take, chase with dogs, or kill any moose, nor shall any person sell or expose for sale or have in his or her possession, any moose after the same has been so taken or killed. Any person violating this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars for each offense.

Crusting deer.

§ 3. No person shall kill wild deer by crusting, or enter any place where wild deer are yarded with the intent to kill or destroy the same at any time. Any person offending against any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of one hundred dollars for each wild deer so killed or destroyed.

Wild duck, goose or brant.

§ 4. No person shall kill, or expose for sale, or have in his or her possession, after the same has been killed, any wild duck, goose or brant, in any of the waters of this State, between the first day of May and the first day of September, except that in the waters of Long Island none of said birds shall be killed between the first day of May

and the first day of October. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each and every wild duck, goose or brant killed, or had in his possession; and any person who shall, at any time kill any of said birds between sunset and day-light or pursue or fire at any of said birds with the aid of any light or lantern, shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars for each offense against this provision. And any person found between sunset and sunrise on the water with a gun and lantern in the act of attempting to pursue, fire at, or kill any such birds, shall be deemed guilty of a violation of this section.

§ 5. No person shall, at any time, kill any wild duck, goose or brant, with any device or instrument known as a swivel or punt gun, or with any gun other than such guns as are habitually raised at arm's length and fired from the shoulder, or use any net, device or instrument, or gun other than aforesaid, with the intent to capture or kill any such birds. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars.

Killing ducks, etc., by swivel gun, or net or device.

§ 6. No person shall use any floating battery, machine or other device, whereby the gunner is concealed, for the purpose of killing any wild fowl, or shoot out of any such floating battery, machine or device, at any wild goose, brant or duck, in any of the waters of this State, or use any decoy or construct any bow-house, at a greater distance than twenty rods from the shore, for the purpose of shooting at or killing any such birds. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars for each offense. But nothing in this section shall apply to the waters of the Great South bay, west of Smith's point, or the waters of Peconic bay, or Shinnecock bay, or Lake Ontario, or the river St. Lawrence, or the Hudson river below Albany.

Floating batteries, etc. Decoys and bow-houses.

Penalty.

Excepted waters.

§ 7. No person shall sail for any wild fowl, or shoot at any wild goose, brant or duck from any vessel propelled by steam or sails, or from any other structure attached to the same, in any of the waters of this State, except Long Island Sound, Lake Ontario, and the Hudson river below Nyack. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition shall be liable to a penalty of ten dollars.

Killing from sail or steam vessels.

§ 8. No person shall kill, expose for sale, or have in possession after the same has been killed, any quail, between the first day of January and the first day of November, except as hereinafter provided; no person shall kill, or expose for sale, or have in possession after the same has been killed, any hare or rabbit, between the first day of February and the first day of November, nor at any time kill or hunt any hare or rabbit with ferrets. This shall not prevent the owners or occupants of nurseries or orchards, in any of the counties of this State, from trapping or hunting hares or rabbits, with ferrets or otherwise, within the limits of said nurseries or orchards, or any forest or field adjoining such nurseries or orchards, and the possession of any hare or rabbit may be excused by any person proving the same to have been caught or killed within the limits aforesaid. No person shall kill any quail in the counties of Montgomery, Schenectady, Saratoga or Albany,

Killing or having in possession ferrets, hares or rabbits prohibited.

Owners of orchards, etc., may kill hares and rabbits.

Quail in certain counties.

Misdemeanor.

within two years of the passage of this act. Any person violating either of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto, shall be liable for any violation of the first provision to a penalty of twenty-five dollars for each quail, hare or rabbit so killed, exposed for sale, or had in possession.

Penalty.

As amended by ch. 584, L. 1880. The amendment consists in substituting "February" for "January" in the last part of the first sentence, and in substituting "two" years for "three" years in the last sentence but one. The remaining changes are merely verbal.

Woodcock.

§ 9. No person shall kill or expose for sale, or have in his or her possession, after the same has been killed, any woodcock, between the first day of January and the first day of September, in the counties of Oneida and Herkimer, and in other parts of the State between the first day of January and the first day of August in each year, except as hereinafter provided. It shall not be lawful for any person to kill or expose for sale, or have in his or her possession, after the same has been killed, any black or gray squirrel, between the first day of February and the first day of August in each year. Any person violating either of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each bird or animal so killed or had in possession.

Squirrel.

Grouse.

§ 10. No person shall kill or expose for sale, or have in his or her possession, after the same has been killed, any ruffed grouse, commonly called partridge; or pinnated grouse, commonly called prairie chicken between the first day of January and the first day of September, except as hereinafter provided. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each bird so killed or had in possession.

Taking grouse or quail with net, trap, etc.

§ 11. No person shall, at any time or place within this State, take or kill any ruffed grouse, commonly called partridge, or any pinnated grouse, commonly called prairie chicken, or any spruce grouse, commonly called Canada partridge, or any quail, with any net, trap or snare or set any such net, trap or snare for the purpose of taking or killing any of such birds; nor shall any person willfully sell, or expose for sale, or have in his or her possession any of the said birds after the same shall have been so taken or killed. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and in addition thereto shall be liable to a penalty of ten dollars for each bird so taken and killed or had in his possession. And it shall be lawful for any person to take and destroy any such nets, traps or snares whenever found set.

Killing eagles, etc., prohibited.

Penalty.

§ 12. No person shall at any time, in this State, kill or expose for sale, or have in possession after the same is killed, any eagle, woodpecker, nighthawk, yellow bird, wren, martin, oriole or any song bird, under a penalty of five dollars for each bird so killed, exposed for sale, or had in possession.

As amended in 1880, by omitting the words "robin, bobolink," and also the clause making violation of this section a misdemeanor.

Killing robins, etc., prohibited.

§ 13. No person shall kill, or expose for sale, or have in possession after the same has been killed, any robin, meadow lark, or starling save only during the months of October, November, December, under a penalty of five dollars for each bird so killed, exposed for sale, or had in possession.

As amended in 1880, by omitting the word "September," inserting the word "robin" before "meadow lark," and omitting the clause making violation of the section a misdemeanor.

§ 14. The last two sections shall not apply to any person who shall kill any bird for the purpose of studying its habits or history, or having the same stuffed and set up as a specimen; or to any person who shall kill on his own premises any robins in the act of destroying fruit or grapes. Excep-
tions.

§ 15. No person shall willfully destroy or rob the nest of any wild birds whatever, except crows, blackbirds, hawks, and owls, save only where it may be necessary to protect dwelling-houses or prevent their defacement. Any person violating this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of five dollars for each offense. Destroying
or robbing
nests.

§ 16. Any person who shall knowingly trespass upon cultivated or inclosed lands for the purpose of shooting or hunting any game protected by this act, or shall take any fish from private ponds or private streams not stocked in whole or in part by the State, or after public notice has been given by the owner thereof as provided in the following section, shall be liable to such owner or occupant, in addition to the actual damages sustained, exemplary damages, to an amount not exceeding twenty-five dollars. Trespass-
ing.

§ 17. The notice referred to in the preceding section shall be given by erecting and maintaining sign-boards, at least one foot square, upon every fifty acres of land upon the lot lines thereof, or upon the shores or bank of any lake, stream or pond, in at least two conspicuous places on the premises; such notices to have appended thereto the name of the owner or occupant, and any person who shall tear down, or in any way deface or injure any such sign-board, shall be guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars. Notice not
to tres-
pass.

§ 18. No person shall at any time catch any speckled trout with any device save that of angling, except in waters which are wholly private, and only then by permission of the owner thereof; nor shall any person set or draw any net, or seine of any description, or use any set-line in any lake, pond or stream inhabited by brook trout, or have on the shores thereon, any net, seine, set-line or other unlawful device for the taking of fish, except as above provided. And no person shall at any time, or in any way, catch any speckled trout or salmon trout through the ice, except in waters wholly private, prior to the first day of April. Any person who shall offend against any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each offense; and all nets, seines and other devices forbidden to be used by this section, are hereby declared contraband, and any person finding the same in any place where they are forbidden to be used is authorized to destroy such contraband articles, and no action for damages shall lie against him for such destruction. Trout.

§ 19. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any speckled trout, save only from the first day of April to the first day of September. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars, for each trout so killed, exposed for sale or had in possession. Speckled
trout.

§ 20. No person shall kill, or expose for sale, or have in his or her possession after the same has been killed, any salmon trout or lake trout, caught in the inland lakes of this State, in the months of Octo- Salmon
trout.

ber, November, December, January, February and March, and in Lake George the additional month of April. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of ten dollars for each fish so killed, exposed for sale or had in possession.

Bass.

§ 21. No person shall catch or kill any black bass in the waters of Lake Mahopac or Dutchess county between the first day of January and the first day of July, or Lake George between the first day of January and the twentieth day of July, or catch, kill, or expose for sale, or have in his or her possession after the same has been killed, any black bass or striped bass weighing less than one-half pound at any time, or any black bass, Oswego bass, or muscalonge in any other waters of the State, between the first day of January and the first day of June, unless alive for artificial propagation, or the stocking of other waters, except that bass and muscalonge may be caught in the St. Lawrence, Clyde, Seneca and Oswego rivers, Lake Erie, Lake Ontario, Lake Conesus and Niagara river above Niagara falls, on the American side, between the twentieth day of May and the first day of January; nor shall any person catch or kill any black bass in the waters of Schroom lake or river, or Paradox lake, in the counties of Essex or Warren between the first day of January and the first day of July. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of ten dollars for each fish.

Fish not to be taken by drawing off water.
Tona-wanda creek.

§ 22. No person shall catch any bass, trout or other fish, in any of the waters of this State by shutting or drawing off any portion of said waters, nor shall any person take any fish in the waters of the Tona-wanda Creek between Moulton's dam, in the county of Genesee, and Cotton's dam, in the county of Wyoming, for a period of five years after the passage of this act. Any person violating this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each offense.

Fishing except with hook and line prohibited.

§ 23. No person shall kill or catch, or attempt to kill or catch, any fish, except minnows, in the waters of Lake Ontario on the American side thereof, for the distance of three miles from the mouth of the Niagara river, or in Onondaga, Oneida, Seneca or Cross lakes, or in any of their outlets or tributaries, or in the American waters of the Niagara river, above Niagara Falls, in any way or manner, or by any device whatever, except with that of hook and line, and any person catching or killing any fish, except minnows, in any of the above-named waters, shall be liable to a penalty of one hundred dollars for each and every offense. No person shall kill or catch, or attempt to kill or catch, any fish except minnows, bullheads, eels, suckers and catfish, in any other of the fresh waters or in any of the canals in this State, or in the American waters of the St. Lawrence river, in any way or manner, or by any device whatever, except that of angling by hook and line, save only in the following waters, namely: The Hudson river below the dam at Troy; Black lake, in the county of St. Lawrence; St. Regis river, Grass river and Racket river, below the line of the Ogdensburg and Lake Champlain railroad, and in Lake Ontario, except Great Sodus bay, Port bay, East bay, in the county of Wayne, Henderson harbor or Henderson bay, in the county of Jefferson; and also except in Lake Champlain, during the month of October and the first fifteen days in November; and also except in the waters of the Wallkill river, within the county of Ulster, wherein it shall be lawful for any person or persons of one and the same family or household to

Penalty.

Certain fish excepted.

Waters excepted.

Fishing for suckers and eels with fykes allowed.

possess and fish for suckers and eels in the waters of said river during the months of March and April, and October and November, with a single fyke, the meshes of which shall not be less than one inch. And also, except all that part of the waters of Lake Ontario, together with its bays and inlets, lying and being in the county of Jefferson, and in that part of Oswego county lying between its Jefferson county line and the westerly line of the town of Mexico, and within one-half mile of the outlet or mouth of Salmon river, saving and excepting the shoals adjacent to Henderson bay, on the lake side from the main shore, to and including Smoke island, except during the months of November and December, which waters are hereby released from the operation of the provisions of sections twenty-three and twenty-six of the act hereby amended. No person shall knowingly sell or purchase, or have in his or her possession, any fish killed, caught or taken from any such waters contrary to the provisions of this section. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each and every such offense. And all nets, seines, traps, weir or other devices forbidden by this section are hereby declared contraband, and any person finding the same in any place where they are forbidden is hereby authorized to destroy such contraband articles, and no action for damages shall lie against him for such destruction.

This section not to apply to certain waters of Lake Ontario, its bays and inlets.

Selling or having in possession.

Penalty.

Nets, etc., contraband.

As amended by L. 1880, ch. 531.

§ 24. Any person having in his or her possession on the shores of any lake, or on the banks of or upon any waters inhabited by salmon, salmon trout, lake trout, black or Oswego bass, or muscalonge, during the closed season, without the permission of the commissioners of fisheries, any snares, nets, stake polls or other devices used in unlawfully taking such fish, shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars; but nothing herein contained shall apply to that portion of the Hudson river south of the dam at Troy, or to Lake Ontario, or to the waters of the Walkill river in Ulster county.

Persons having in possession nets, etc., deemed guilty of misdemeanor and liable to penalty of \$25.

As amended in 1880 by adding at the end all after the word "Ontario."

§ 25. No person, association, company or corporation shall throw or deposit, or permit to be thrown or deposited, any dye-stuff, coal tar, refuse from gas-houses, sawdust, lime or other deleterious substance, or cause the same to run or flow into or upon any of the rivers, lakes, ponds, streams or any of the bays or inlets adjoining the Atlantic ocean, within the limits of this State. Any person who shall violate this section, or any member of any such company, association or corporation who shall authorize and direct any such violation, shall be guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars for each offense. But this section shall not apply to streams of flowing or tide-water which constitute the motive power of the machinery of manufacturing establishments where it is absolutely necessary for the manufacturing purposes carried on in such establishments to run the refuse matter and material thereof into such stream.

Deposits in streams or waters.

Exceptions.

§ 26. No person shall fish in any of the waters or canals of this State with seines, gill-nets or fykes, the meshes of which shall be less than two and one-half inches, except in the waters excepted in the first section of this act and except in the following waters: In the waters over which Richmond county has civil jurisdiction, the meshes

Size of meshes of fykes, gill-nets, etc.

shall not be less than two inches; in the bays and salt waters, estuaries and rivers of Long Island, not less than two and one-half inches, but this prohibition shall not apply to nets used in taking "menhaden," nor to ponds where they are permitted by law; in Lake Erie and Lake Ontario, the meshes shall not be less than four and one-half inches; in the Hudson river below the dam at Troy, the meshes shall not be less than two and one-half inches, except seines, fykes or other nets used in catching bait fish; in Coney Island creek to the mouth thereof, extending out into Gravesend bay, one-half mile each way, the meshes of which shall be four inches square, except that for eel and flounder fishing, hoop-nets, with suitable meshes, may be used within said bay between the fifteenth day of October and the first day of April. No person shall set or take any fish by any device known as pound or trap-net, in the waters of Great South bay, except so much thereof as is within the jurisdiction of the town of Islip, and not included in the Brookhaven and Smith patents, and the waters of Lake Erie, or bring any fish so taken in such waters to the shore along the same, or be engaged in procuring or preparing for market any such fish, or any part thereof, or exposing fish taken in such nets for sale in the counties bordering on such waters. Nothing in this section shall be construed as permitting the drawing of seines in the waters of the Hudson river between the upper dock at the village of Sing Sing and Croton Landing, in the town of Cortland, nor in any of the waters between the above-named points, nor in any portion of the Croton river, between the first day of June and the first day of October of any year, which drawing is hereby expressly forbidden. No* shall any thing in this section be construed to prevent the setting of fykes in the Walkill river, in Ulster county, during the months of March and April and October and November. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars.

As amended by Laws of 1880.

§ 27. Any owner or owners or lessee or lessees of lands or lands and water, whether such owner or owners, lessee or lessees be an individual or individuals, association or associations, society or societies, corporation or corporations desiring to lay out, devote or dedicate such lands or lands and water for the purpose of a private park or territory for propagating or protecting fish, birds or game, shall publish at least once a week for three months, in a paper of general circulation printed in the county or counties within which such lands or lands and water are situated, a notice describing the same. And there shall be inserted in said notice so published, a clause declaring that such lands or lands and water will be used as a private park for the purpose of propagating and protecting fish, birds and game; and it shall be the duty of such owner or owners, lessee or lessees, at any time during the publication of said notice, or within six months after the final publication thereof, to post or put up notices or signboards warning all persons against trespassing upon such private territory, which notices or signboards shall not be less than one foot square and placed not more than forty rods apart along the entire boundary of said private park or territory, when the same shall consist entirely of land, and when said private park or territory shall consist of both land and water, the notices aforesaid shall be placed in conspicuous places upon said terri-

* So in the original.

tory, so there shall be at least one notice or signboard so placed or erected for every one hundred acres of said territory. And when the property to be protected shall consist of a lake or pond only, said notices shall be placed in at least four conspicuous places upon the shore of such lake or pond. But when said territory shall be inclosed by a fence or fences of reasonable capacity for protection of said premises, then notices or signboards of the dimensions aforesaid shall be placed on said fence or fences not more than one-half mile apart. After any such territory shall be dedicated and designated as aforesaid, all fish, birds and game, of, in or upon said territory shall be the property of the owner or owners, lessee or lessees thereof.

Fish and game to be property of owner of land.

As amended in 1880.

§ 28. After such grounds are inclosed in such manner as to render such fish or game private property, no person shall catch or take from or kill, any fish, birds or game, in or upon said grounds, or the waters thereon, or put on such grounds, or in any such waters, any poisonous or other deleterious substance, or piscivorous fish, or let off the waters from said grounds, with intent to take fish, or to destroy the fish or eggs placed in such waters, or deface or destroy any sign or notice posted or put up as aforesaid; or place any object against or near such fence or inclosure, with intent to aid dogs or other animals to get into said grounds, or to enable animals kept therein to escape therefrom, or enter upon any such ground with the implements or weapons for catching, taking or killing fish, birds or game, with the intention of catching, taking or killing any fish, birds or game thereon. Any person found guilty of any offense against this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to the owner or lessee in addition to the actual damages incurred, in exemplary damages to the amount of twenty-five dollars.

Taking fish or game from private parks or grounds.

§ 29. The commissioners of fisheries of this State are hereby required and directed to erect and maintain, at a distance of eighty rods from any fishway established or constructed by the State, in any stream or water-course within its boundaries, sign-boards, on which shall be plainly painted or inscribed the words following, to wit, "eighty rods to the fishway; all persons are by law prohibited from fishing in this stream between this point and the fishway;" said sign-board to be erected on both sides of the stream above and below the fishway.

Signs at fishways.

§ 30. No person shall catch, take or kill, or attempt to catch, take or kill, with any implements or device whatever, any fish within a distance of eighty rods from any fishery established by the State, within any stream or water-course within its boundaries, or tear down or deface or destroy any sign-board put up by the commissioners of fisheries of this State. Any person violating any of the provisions of this section, provided the sign-boards mentioned in the preceding section shall have been erected and maintained as directed by this act, shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars.

State fisheries.

§ 31. A State bounty of thirty dollars for a grown wolf, fifteen dollars for a pup wolf, and twenty dollars for a panther, shall be paid to any person or persons who shall kill any of said animals within the boundaries of this State. The person or persons obtaining said bounty shall prove the death of the animal so killed by him or them, by producing satisfactory affidavits, and the skull and skin of said animal, before the supervisor and one of the justices of the peace of the town

State bounty for wolves and panthers.

within the boundaries of which the said animal was killed. Whereupon said supervisor and justice of the peace, in the presence of each other, shall burn and destroy the said skull, and brand the said skin so that it may be thereafter identified, and issue to the person or persons claiming and entitled to the same, an order on the treasurer of the county to which said town belongs, stating the kind of animal killed, the date of killing of the same, and the amount of the bounty to be paid in virtue of the within section of this act, and the county treasurers of this State are hereby authorized and directed to pay all orders issued as aforesaid; and all orders issued in the manner aforesaid, and paid by the treasurer of any county in this State, shall be a charge of said county against the State, the amount of which charge, on delivery of proper vouchers, the comptroller is hereby authorized and directed to allow in the settlement of taxes due from said county to the State.

Hunting on Sunday. § 32. There shall be no shooting, hunting, trapping or caging of birds or wild beasts, or having in possession in the open air for such purpose the implements for the shooting, hunting, trapping or caging of the same, on the first day of the week, called Sunday; and any person violating either of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for every such offense.

Penalties, how recovered. § 33. All penalties imposed by this act may be recovered, with costs of suit, by any person in his own name, or by any society in its name, upon such society giving security for costs, before any justice of the peace in the county where the offense was committed, or in an adjoining county, when the amount does not exceed the jurisdiction of such justice, or when such suit shall be brought in the city of New York, before any justice of the district court, or of the marine court of said city; and such penalties may be recovered in the like manner in any court of record in the State, but on recovery by the plaintiff in such case for a less sum than fifty dollars, the plaintiff shall only be entitled to costs to an amount equal to the amount of such recovery; and it shall be the duty of any district attorney in this State, and he is hereby required to prosecute or to commence actions, in the name of the people of this State, for the recovery of the penalties allowed hereby, upon receiving proper information; and in all actions brought by such district attorney, one-half of the penalty recovered shall belong to the persons giving information on which the action is brought, and the other half shall be paid to the treasurer of the county in which such action is brought. All judgments recovered in pursuance of the provisions of this act, with the interest thereon, may be collected and the payment thereof enforced by execution against the person; and any person imprisoned upon any such execution shall be so imprisoned for a period of not less than five days, and at the rate of one day for every dollar or fractional part thereof of such judgment and interest when the same exceeds five dollars; and such imprisonment shall not be satisfaction of such judgment, but no person shall be more than once imprisoned upon any such judgment or execution, and two or more penalties may be included in the same action.

Judgments, how enforced. § 34. Any person who shall be found guilty of a misdemeanor under any of the provisions of this act shall, upon conviction, be punished by fine of not less than five dollars, nor more than at the rate of one dollar for every dollar of the penalty provided by the section so violated, when the same exceeds five dollars, or by imprisonment in the

Punishments for misdemeanors.

county jail or penitentiary for a period of not less than five days nor more than at the rate of one day for every dollar of any such penalty, or by such fine and imprisonment, in the discretion of the court.

§ 35. Courts of special sessions in towns and villages, and the several courts in cities having jurisdiction to try other misdemeanors shall have jurisdiction to try offenders in all cases occurring under this act in the same manner as in other cases where they now have jurisdiction, and to render and enforce judgment accordingly. All fines recovered by the provisions of this act shall be paid over by the court receiving the same to the treasurer of the county wherein the offense is committed, except in the county of New York, and in the county of New York to the chamberlain in the city of New York, within ten days after their reception by such court, and such moneys shall be kept by such treasurer or chamberlain as a separate fund to be applied to the enforcements of the provisions of this act in such manner as the board of supervisors of the several counties, except in the city and county of New York, and in such city and county the board or aldermen may direct either for the employment of special detectives or the payment of rewards for the detection and arrest of offenders, and each of the boards of supervisors of this State shall have power to raise by tax, in the same manner as other taxes are raised for county purposes, such sum not exceeding one thousand dollars in any year, as they shall deem proper to further aid in the enforcement of the provisions of this act. It shall be the duty of every sheriff, under-sheriff, deputy-sheriff, officer of police, or policeman and of every constable and every game constable and every bay constable to arrest wherever found within this State, without warrant, any person whom they shall find violating any of the provisions of this act, and immediately to bring such offender before the nearest magistrate having jurisdiction of the offense for examination and for trial. Any officer or magistrate who shall neglect or refuse diligently to enforce the provisions of this act, upon proper information and complaint, shall be deemed guilty of a misdemeanor, and shall be punished by a fine or imprisonment, or by both such fine and imprisonment, in the discretion of the court.

Jurisdiction.

Fines, how disposed of.

Tax to enforce law.

Duty of sheriff, &c.

Penalty for failing to enforce law.

§ 36. Any person may sell or have in his or her possession any hare or rabbit or any woodcock, any ruffed grouse, commonly called partridge, any pinnated grouse, commonly called prairie chicken, and any quail from the first day of January to the first day of February, and any fresh venison from the first day of December to the first day of January, and shall not be liable for any penalty under this act, provided he proves that such birds or game were killed within the period provided by this act.

Selling and having game killed in season.

§ 37. It shall be lawful for the board of supervisors of any county, at their annual meeting, to make any regulations or ordinances protecting other birds, fish or game than those mentioned in this act; and, also, for the further protection of such birds, fish or game as are in this act mentioned, except wild deer, and to this end to prohibit hunting or fishing in particular localities or waters lying within their respective counties for limited periods and during certain months of the year, and to prescribe punishments and penalties for the violation thereof, and adopt all necessary measures for the enforcement of such punishment and the collection of such penalties, and such regulations and ordinances shall be published in the papers in such county in which the session laws are published, and a certified copy thereof shall be filed in the office of the clerk of the county.

Board of supervisors may make regulations, &c.

As amended in 1880 by omitting the word "wholly" between the words "lying" and "within."

Game
constables.

§ 38. It shall be lawful for the boards of supervisors of the several counties of this State, except as by this section hereinafter further provided as to the county of Kings, by the affirmative vote of a majority of the members elected at a regular meeting of such boards, respectively, to authorize the election in each or any of the towns or cities of their respective counties of one or more officers to be designated game constable, who shall be chosen at town meetings as other town officers are chosen, and hold office for the term of one year; and he or they shall take the oath of office the same, and be invested with and have the same powers in serving process under this act, that town constables now possess in serving civil process; but such game constable for the entire county of Kings may be appointed by the board of supervisors at any regular meeting, and he or they shall hold office to the last day of December next after his appointment, and until his successor shall be appointed and qualified; and all suits prosecuted by such game constable for the county of Kings, for penalties under the provisions of this act, may be prosecuted in the county court of Kings county, or in the city court of Brooklyn; and in case a recovery shall be had in such suits for less than fifty dollars, the plaintiff shall be entitled to costs to the amount of such recovery. Warrants of arrest may be issued by such courts in such actions prosecuted by the game constable of Kings county, as in cases provided for by section one hundred and seventy-nine of the Code of Procedure, except that no undertaking shall be required on behalf of the plaintiff, and the judgments may be enforced by execution against the person, and the sheriff of said county shall not be entitled to any deposit or pay from the plaintiff under the provisions of chapter eight hundred and thirteen of the laws of eighteen hundred and sixty-nine. It shall be the duty of the game constable, after reliable information, to prosecute all violations of this act, and he shall receive such compensation for his services as is allowed by law for like services to constables of towns, and also one-half of all penalties recovered by him for violations of this act. In case of neglect or refusal of any game constable to prosecute any such violation, he shall forfeit the penalty of twenty-five dollars, to be sued for and recovered as specified in this act. Whenever any game constable shall fail to recover the penalty in any prosecution commenced by him, pursuant to this section, the cost of suit incurred by him shall be charged against the county, and it shall be the duty of the board of supervisors of the county to audit and allow the same, as other county charges are audited and allowed (as amended by chapter five hundred and ninety-five, laws of eighteen hundred and seventy-two).

Duty of
game constables.

Costs
where
constable
fails.

Arrest of
offenders.

Search
warrants.

§ 39. Any justice of the marine or district court in the city of New York, or any justice of the peace, police or other magistrate, upon receiving sufficient security for costs on the part of the complainant, and sufficient proof by affidavit that any of the provisions of this act have been violated by any person being temporarily within its jurisdiction, but not residing there permanently, or by any person whose name and residence are unknown, is hereby authorized to issue his warrant for the arrest of such offender, and to cause him to be committed or held to bail to answer the charge against him; and any such justice or magistrate, upon receiving proof or probable cause for believing in the concealment of any game or fish mentioned in this act, and taken during any of the periods prohibited, and upon the complainant's giving security to be approved by such magistrate for

the damage which the defendant in the case may sustain in consequence of the complaint, provided he shall be found not to have violated the law, shall issue his search warrant and cause search to be made in any house, market, boat, car or other building, and for that end may cause any apartment, chest, box, locker, crate or basket to be broken open and the contents examined.

§ 40. All acts and parts of acts for the preservation of wild deer, birds, fish and game, including section two of chapter one hundred and eighty-three of the laws of eighteen hundred and seventy-five, are hereby repealed, except such acts and parts of acts as relate to the commissions of fisheries and the establishment of fishways, the construction of dams across the rivers of this State, the protection and preservation of shell fish, the incorporation of any company for the protection and propagation of fish and game, the election of bay constables, the laws conferring upon boards of supervisors special powers to legislate for the protection of fish, birds and game, and the laws regulating shad fishing; saving, nevertheless, so much of said act as may be necessary to sustain any right of recovery or condition thereunder for actions or prosecutions heretofore commenced. Repeal.

§ 41. This act shall take effect immediately.

Sec. 7 of ch. 531, L. 1890, may be considered as supplementary to this act, *post*, p. 1046. For acts probably repealed under sec. 40, *supra*, see *ante*, pp.

; vol. 9, pp. 187, 324, 889; vol. 7, pp. 199, 297, 308, 339, 523; vol. 6, pp. 158-161, 299, 852; vol. 4, pp. 101, 106-108; see, also, vol. 9, pp. 208, 619.

CHAP. 536.

AN ACT to provide for a compilation and revision of the laws of the State of New York, affecting public interests in the city of New York. New York city revision act.

PASSED June 20, 1879; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Within twenty days after the passage of this act the counsel to the corporation of the city of New York shall appoint two persons, who, together with the said counsel to the corporation, shall constitute and form a commission to compile and revise all the special or local laws, affecting public interests in the city of New York, which shall be in force at the time such commissioners shall make their final report; and in the execution of their duties said commissioners shall have free access to any public record or papers of this State relating to the city of New York, and be permitted to examine the same without fee or reward. Commission for revising laws relating to N. Y. city.

§ 2. When the said commissioners shall have completed the compilation and revision of the statutes as aforesaid, they shall cause a copy of the same to be submitted to the legislature for the year eighteen hundred and eighty, and at the same time they shall suggest to the legislature such contradictions, omissions and imperfections, as may appear in the original text, with their recommendations for amendment, either by repeal or by explanatory or supplementary legislation, with their reasons for such recommendations. Report to legislature.

§ 3. Each of said commissioners, excepting the counsel to the corporation, shall receive for his services herein, the sum of five thousand dollars to be paid by the comptroller of said city, in four equal payments, on the first day of August, the first day of October, the first day of December, in the year eighteen hundred and seventy-nine, and on the submission of their said report to the legislature, the said commissioners shall be allowed for expenses of clerical services and incidental expenses a sum not to exceed five thousand dollars, to be paid from time to time upon the requisition therefor upon the comptroller of said city. And to provide for the compensation and expenses herein mentioned, the comptroller shall issue revenue bonds payable from the taxes for Compensation of commissioners.

the year eighteen hundred and eighty, and an amount sufficient to redeem said revenue bonds shall be included by the board of estimate and apportionment in the final estimate for the year eighteen hundred and eighty.

Vacancies.

§ 4. Any vacancy occurring in such commission shall be filled by the said counsel to the corporation.

§ 5. This act shall take effect immediately.

CHAP. 538.

Interest statute.

AN ACT to amend title three, chapter four of part second of the Revised Statutes, entitled "Of the interest of money."

PASSED June 20, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
1 R. S. 771.

SECTION 1. Section one of title three, chapter four, part second of the Revised Statutes, entitled "Of the interest of money," is hereby amended so as to read as follows:

Six per cent to be rate of interest.

§ 1. The rate of interest upon the loan or forbearance of any money, goods or things in action, shall be six dollars upon one hundred dollars, for one year, and after that rate, for a greater or less sum, or for a longer or shorter time. But nothing herein contained shall be so construed as to in any way affect any contract or obligation made before the passage of this act.

Repeal.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect on the first day of January, eighteen hundred and eighty.

Ante, vol. 1, p. 725.

CHAP. 540.

Dentistry. AN ACT to regulate the practice of dentistry in the State of New York.

PASSED June 20, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Qualifications of dentists.

SECTION 1. It shall be unlawful for any person to practice dentistry in the State of New York for fee or reward, unless he shall have received a proper diploma, or certificate of qualification from the State Dental Society, or from the faculty of a reputable dental or medical college, recognized as such by said society; provided that nothing in this section shall apply to persons now engaged in the practice of dentistry in the State of New York.

Penalty for practicing without qualifications.

§ 2. Any person who shall practice dentistry for fee or reward in this State, without having complied with the regulations of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty, nor more than two hundred dollars for each offense. All such fines shall be paid into the treasury of the county where such conviction shall have taken place, for the benefit of the common schools of the county.

Dentists to register.

§ 3. Every person practicing dentistry within this State shall, within sixty days after the passage of this act, register in the office of the clerk of the county where located, in a book to be prepared and kept by the clerk for that purpose, giving his name, office and post-office address, and the date of such registration; and shall be entitled to a certificate of such registration upon payment to the clerk of a fee of fifty cents.

§ 4. All acts or parts of acts inconsistent, or in any wise conflicting with the provisions of this act, are hereby repealed.

§ 5. This act shall take effect immediately.

Ante, vol. 7, pp. 300, 715.

CHAP. 541.

AN ACT to amend chapter two hundred and eighty-two of the laws of eighteen hundred and fifty-four, entitled "An act to amend the act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty." Railroads.

PASSED June 20, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fourth section of chapter two hundred and eighty-two, of the laws of eighteen hundred and fifty-four, entitled "An act to amend the act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty," is hereby amended, so as to read as follows: Amending
ch. 282,
Laws 1854.

§ 4. In case any railroad company, the line or route of whose road has been surveyed and designated, and the certificate thereof duly filed as required by law, is unable to agree for the purchase of any real estate required for its roadway, the said corporation shall have the right to acquire title to the same by the special proceedings prescribed in the act hereby amended; and all real estate acquired by any railroad corporation, under and pursuant to the provisions of this act, for the objects and purposes herein expressed, shall be deemed to be acquired for public use. But this section shall not be so construed as to apply to any real estate in the city of Buffalo, situated between Main and Michigan streets, except that lying and situate between Exchange street and the Main and Hamburg canal. Acquiring
real estate.

§ 2. This act shall take effect immediately.

Ante, vol. 3, p. 642.

CHAP. 542.

AN ACT amending the Code of Civil Procedure.

PASSED June 20, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Code of Civil Procedure, as enacted on the second day of June, eighteen hundred and seventy-six, and amended by subsequent statutes, is hereby further amended as follows, that is to say:

(§ 63.) Section sixty-three, so that it will read as follows:

§ 63. A person shall not ask or receive, directly or indirectly, compensation for appearing as attorney in a court in the city and county of New-York, or in the county of Kings, or make it a business to practice as an attorney in a court in either of those counties, unless he has been regularly admitted to practice as an attorney or counsellor in the courts of record of the State. None but
attorneys
to practice
in New-
York and
Kings
counties.

(§ 74.) Section seventy-four, by adding, at the end thereof, as follows: But this section does not apply to an agreement between attorneys and counsellors, or either, to divide between themselves the compensation to be received. Certain
loans pro-
hibited.

(§ 108.) Subdivision third of section one hundred and eight, so that it will read as follows:

3. The sheriff or under-sheriff must preside upon the trial. A witness, produced by either party, must be sworn by the presiding officer, and examined orally in the presence of the jury. A witness, who testifies falsely upon such an examination, is guilty of perjury in a like case, and is punishable in like manner, as upon the trial of a civil action. Trial of
claim by
third
persons to
property
seized by
sheriff.

(§ 242.) Section two hundred and forty-two, so that it will read as follows:

§ 242. A general term must be attended by the sheriff of the county in which it is held, his under-sheriff, or one of his deputies; by two constables or police officers, notified by the sheriff; by a crier for courts within the county; and by the county clerk, or his deputy, or special deputy; all of whom must act under the direction of the Officers re-
quired to
attend
general
term.

Sheriff's
duties.

court, or of the presiding justice. The sheriff of the county must cause the room in which the general term is held to be properly heated, ventilated, lighted and kept comfortably clean and in order. The court may enforce the performance of that duty by the sheriff. The sheriff must also provide the court with all necessary stationery, and minutes-books, upon the written requisition of the court or of the justice presiding at the term.

(§ 297.) Section two hundred and ninety-seven, so that it will read as follows:

Issue of
law to be
tried at
general
term.

§ 297. An issue of law in an action in the court must be tried at the general term.

Marine
court
actions
against ex-
ecutors or
adminis-
trators.

(§ 316.) Subdivision third of section three hundred and sixteen, so that it will read as follows:

3. The court has not jurisdiction of an action commenced against an executor or administrator, in his representative capacity. But this subdivision does not prevent the court from continuing an action against an executor or administrator, or from substituting an executor or administrator in place of a defendant in an action, in a case where it is prescribed in this act that a continuance or substitution may be made.

(§ 403.) Section four hundred and three, so that it will read as follows:

When a
person li-
ble dies
within the
State.

§ 403. The term of eighteen months after the death, within the State, of a person, against whom a cause of action exists, is not a part of the time limited for the commencement of an action against his executor or administrator. If letters testamentary or letters of administration upon his estate are not issued, within the State, at least six months before the expiration of the time to bring the action, as extended by the foregoing provision of this section, the term of one year after such letters are issued is not a part of the time limited for the commencement of such an action.

(§ 417.) Section four hundred and seventeen, so that it will read as follows:

Requisites
of sum-
mons.

§ 417. The summons must contain the title of the action, specifying the court in which the action is brought, the names of the parties to the action, and, if it is brought in the supreme court, the name of the county in which the plaintiff desires the trial; and it must be subscribed by the plaintiff's attorney, who must add to his signature his office address, specifying a place within the State where there is a post-office. If in a city, he must add the street, and street number, if any, or other suitable designation of the particular locality.

(§ 419.) Section four hundred and nineteen, so that it will read as follows:

Service of
copy com-
plaint or
notice
with
summons;
conse-
quence of
failure.

§ 419. A copy of the complaint may be served with the summons. If a copy of the complaint is not served with the summons, the plaintiff cannot take judgment by default without application to the court, unless either the defendant appears; or by a notice is served with the summons, stating the sum of money for which judgment will be taken, and the case is one embraced in the next section.

(§ 426.) Section four hundred and twenty-six, so that it will read as follows:

§ 426. Personal service of the summons upon a defendant, being a natural person, must be made by delivering a copy thereof, within the State, as follows:

How personal service of summons made upon a natural person.

1. If the defendant is an infant, under the age of fourteen years, to the infant in person, and also to his father, mother or guardian; or, if there is none within the State, to the person having the care and control of him, or with whom he resides, or in whose service he is employed.

2. If the defendant is a person judicially declared to be incompetent to manage his affairs, in consequence of lunacy, idiocy, or habitual drunkenness, and for whom a committee has been appointed, to the committee, and also to the defendant in person.

3. If the action is against a sheriff, for a cause specified in section one hundred and fifty-eight of this act, by delivering it to the defendant in person, or to his under-sheriff in person, or at the office of the sheriff during the hours when it is required by law to be kept open, to a deputy-sheriff or a clerk in the employment of the sheriff, or other person in charge of the office.

4. In any other case, to the defendant in person.

(§ 438.) Section four hundred and thirty-eight, so that it will read as follows:

§ 438. An order, directing the service of a summons upon a defendant, without the State, or by publication, may be made in either of the following cases:

Cases in which service of summons by publication, etc., may be ordered.

1. Where the defendant to be served is a foreign corporation; or, being a natural person, is not a resident of the State; or where, after diligent inquiry, the defendant remains unknown to the plaintiff, or the plaintiff is unable to ascertain whether the defendant is or is not a resident of the State.

2. Where the defendant, being a resident of the State, has departed therefrom, with intent to defraud his creditors, or to avoid the service of a summons; or keeps himself concealed therein, with like intent.

3. Where the defendant, being an adult, and a resident of the State, has been continuously without the United States more than six months next before the granting of the order, and has not made a designation of a person, upon whom to serve a summons in his behalf, as prescribed in section four hundred and thirty of this act; or a designation so made no longer remains in force; or service upon the person so designated cannot be made within the State, after diligent effort.

4. Where the complaint demands judgment annulling a marriage, or for a divorce, or a separation.

5. Where the complaint demands judgment, that the defendant be excluded from a vested or contingent interest in, or lien upon, specific real or personal property within the State; or that such an interest or lien in favor of either party be enforced, regulated, defined, or limited; or otherwise affecting the title to such property.

6. Where the defendant is a resident of the State, or a domestic corporation; and an attempt was made to commence the action against the defendant, as required in chapter fourth of this act, before the expiration of the limitation applicable thereto, as fixed in that chapter; and the limitation would have expired, within sixty days next preceding the application, if the time had not been extended by the attempt to commence the action.

7. Where the action is against the stockholders of a corporation, or joint-stock company, and is authorized by a law of the State, and the defendant is a stockholder thereof.

Papers
upon
which
order for
publica-
tion may
be made.

(§ 439.) Section four hundred and thirty-nine, so that it will read as follows.

§ 439. The order must be founded upon a verified complaint, showing a sufficient cause of action against the defendant to be served, and proof by affidavit of the additional facts required by the last section; and also, where the application is made upon the ground that the defendant is a foreign corporation, or not a resident of the State, or in a case specified in subdivision fourth, fifth, or seventh of the last section, that the plaintiff has been or will be unable, with due diligence, to make personal service of the summons.

(§ 440.) Section four hundred and forty, so that it will read as follows:

By whom
order may
be made;
contents
of order.

§ 440. The order may be made by a judge of the court, or the county judge of the county where the action is triable. It must direct that service of the summons, upon the defendant named or described in the order, be made by publication thereof in two newspapers, designated in the order as most likely to give notice to the defendant, for a specified time, which the judge deems reasonable, not less than once a week for six successive weeks; or, at the option of the plaintiff, by service of the summons, and of a copy of the complaint and order, without the State, upon the defendant personally, if he is of full age, or an infant of the age of fourteen years or upwards; or, if the defendant is a corporation, upon an officer thereof, specified in section four hundred and thirty-one or four hundred and thirty-two of this act. It must also contain, either a direction that, on or before the day of the first publication, the plaintiff deposit in a specified post-office, one or more sets of copies of the summons, complaint, and order, each contained in a securely closed post-paid wrapper, directed to the defendant, at a place specified in the order; or a statement that the judge, being satisfied, by the affidavits upon which the order was granted, that the plaintiff cannot, with reasonable diligence, ascertain a place or places, where the defendant would probably receive matter transmitted through the post-office, dispenses with the deposit of any papers therein.

(§ 451.) Section four hundred and fifty-one, so that it will read as follows:

When
defendant
or his
name is
unknown.

§ 451. Where the plaintiff is ignorant of the name or part of the name of a defendant, he may designate that defendant, in the summons, and in any other process or proceeding in the action, by a fictitious name, or by as much of his name as is known, adding a description, identifying the person intended. Where the plaintiff demands judgment against an unknown person, he may designate that person as unknown, adding a description, tending to identify him. In either case, the person intended is thereupon regarded as a defendant in the action, and as sufficiently described therein, for all purposes, including service of the summons, as prescribed in article second of the last title. When the name, or the remainder of the name, or the person, becomes known, an order must be made by the court, upon such notice and such terms as it prescribes, that the proceedings already taken be deemed amended, by the insertion of the true name, in place of the fictitious name or part of a name, or the designation as an unknown

person; and that all subsequent proceedings be taken under the true name.

(§ 471.) Section four hundred and seventy-one, so that it will read as follows:

§ 471. An infant defendant must also appear by guardian, who must be a competent and responsible person, appointed upon the application of the infant, if he is of the age of fourteen years, or upwards, and applies within twenty days after personal service of the summons, or after service thereof is complete, as prescribed in section four hundred and forty-one of this act; or, if he is under that age, or neglects so to apply, upon the application of any other party to the action, or of a relative or friend of the infant. Where the application is made by a person, other than the infant, notice thereof must be given to his general or testamentary guardian, if he has one within the State; or, if he has none, to the infant himself, if he is of the age of fourteen years, or upwards, and within the State; or, if he is under that age, and within the State, to the person with whom he resides.

Application for appointment of guardian for infant defendant.

(§ 507.) Section five hundred and seven, so that it will read as follows:

§ 507. A defendant may set forth, in his answer, as many defences or counterclaims, or both, as he has, whether they are such as were formerly denominated legal or equitable. Each defence or counterclaim must be separately stated, and numbered. Unless it is interposed as an answer to the entire complaint, it must distinctly refer to the cause of action which it is intended to answer.

Defendant may interpose several defences or counterclaims; rules relating thereto.

(§ 511.) Section five hundred and eleven, so that it will read as follows:

§ 511. Where the answer of the defendant, expressly or by not denying, admits a part of the plaintiff's claim to be just, the court, upon the plaintiff's motion, may, in its discretion, order that the action be severed; that a judgment be entered for the plaintiff for the part so admitted; and, if the plaintiff so elects, that the action be continued, with like effect, as to the subsequent proceedings, as if it had been originally brought for the remainder of the claim. The order must prescribe the time and manner of the plaintiff's election. If the plaintiff elects to continue the action, his right to costs upon the judgment is the same, as if it was taken in an action brought for only that part of the claim. If the plaintiff does not elect to continue the action, costs must be awarded, as upon final judgment in any other case.

When pleadings admit part of plaintiff's claim.

(§ 525.) Subdivision third of section five hundred and twenty-five, so that it will read as follows:

3. Where the party is a foreign corporation; or where the party is not within the county where the attorney resides, or, if the latter is not a resident of the State, the county where he has his office, and capable of making the affidavit; or, if there are two or more parties united in interest, and pleading together, where neither of them, acquainted with the facts, is within that county, and capable of making the affidavit; or where the action or defence is founded upon a written instrument for the payment of money only, which is in the possession of the agent or the attorney; or where all the material allegations of the pleading are within the personal knowledge of the agent or the attorney; in either case, the verification may be made by the agent of or the attorney for the party.

Verification how and by whom made.

(§ 537.) Section five hundred and thirty-seven, so that it will read as follows :

Frivolous
pleadings,
how dis-
posed of.

§ 537. If a demurrer, answer, or reply is frivolous, the party prejudiced thereby, upon a previous notice to the adverse party, of not less than five days, may apply to the court or to a judge of the court for judgment thereupon, and judgment may be given accordingly. If the application is denied, an appeal cannot be taken from the determination, and the denial of the application does not prejudice any of the subsequent proceedings of either party. Costs, as upon a motion, may be awarded upon an application pursuant to this section.

(§ 549.) Section five hundred and forty-nine, by adding, at the end of that section, as follows :

When the
right to
arrest de-
pends
upon the
nature of
the action.

4. In an action upon contract, express or implied, other than a promise to marry, where it is alleged in the complaint that the defendant was guilty of a fraud in contracting or incurring the liability. Where such an allegation is made, the plaintiff cannot recover unless he proves the fraud ; and a judgment for the defendant is not a bar to a new action to recover upon the contract only.

(§ 550.) Subdivision second of section five hundred and fifty, so that it will read as follows :

When the
right to
arrest de-
pends
partly
upon ex-
trinsic
facts.

2. In an action upon contract, express or implied, other than a promise to marry, where the defendant has, since the making of the contract, or in contemplation of making the same, removed or disposed of his property, with intent to defraud his creditors, or is about to remove or dispose of the same, with like intent.

(§ 557.) Section five hundred and fifty-seven, so that it will read as follows :

Proof nec-
essary to
procure
order.

§ 557. The order may be granted, in a case specified in section five hundred and forty-nine of this act, where it appears by the affidavit of the plaintiff or any other person, that a sufficient cause of action exists against the defendant, as prescribed in that section. It may be granted, in a case specified in section five hundred and fifty of this act, upon the like proof that a sufficient cause of action exists against the defendant, as prescribed in that section, and of the other matters, extrinsic to the cause of action, specified in that section. The affidavit may also contain any statement, tending to determine the amount of bail to be required.

(§ 558.) Section five hundred and fifty-eight, so that it will read as follows :

When or-
der may be
granted ;
effect of
complaint
subse-
quently
made.

§ 558. Subject to the provisions of the last preceding article, the order may be granted at any time, after the commencement of the action. It may also be granted, to accompany the summons. But at any time after the filing or service of the complaint, the order of arrest must be vacated on motion, if the complaint fails to set forth a sufficient cause of action, as required by the last section.

(§ 562.) Section five hundred and sixty-two, so that it will read as follows :

Copies of
papers to
be deliv-
ered to de-
fendant ;
originals
to be filed.

§ 562. The order of arrest, or, where it was granted by the court, a certified copy thereof, subscribed by the plaintiff's attorney ; and, in either case, the papers upon which the order was granted, with the undertaking ; if any ; must be delivered to the sheriff, who, upon arresting the defendant, must deliver to him a copy thereof. The papers, upon which the order was granted, with the undertaking, if

any, must be filed, with the order of arrest, or a certified copy thereof, at the time prescribed for filing the same, in section five hundred and ninety of this act.

(§ 576.) Section five hundred and seventy-six, so that it will read as follows:

§ 576. It is not necessary that the undertaking should be approved, or accompanied with an affidavit of justification of the bail. But the officer, taking the acknowledgment of the undertaking, must, if the sheriff so requires, examine under oath, to a reasonable extent, the persons offering to become bail, concerning their property and their circumstances. The examination must be reduced to writing, subscribed by the bail, and annexed to the undertaking.

Examination of persons offered as bail.

(§ 577.) Section five hundred and seventy-seven, so that it will read as follows:

§ 577. Within three days after bail is given, the sheriff must deliver to the plaintiff's attorney copies, certified by him, of the order of arrest, return and undertaking. The plaintiff's attorney, within ten days thereafter, must serve upon the sheriff a notice that he does not accept the bail; otherwise he is deemed to have accepted them, and the sheriff is exonerated from liability.

Filing, etc., of papers; plaintiff's acceptance or rejection of bail.

(§ 590.) Section five hundred and ninety, so that it will read as follows:

§ 590. Within ten days after the defendant is arrested, if he does not give bail, or if he gives bail, within ten days after the justification of the bail, the sheriff must file with the clerk the order of arrest, or, where it was granted by the court, the certified copy thereof delivered to him, with his return thereupon indorsed, the papers upon which the order of arrest was granted, and the undertaking given on the part of the plaintiff. Where an order of arrest, directing the arrest of two or more defendants, has been executed as to one or more, but not as to all of them, the sheriff may file a copy of the order of arrest, instead of the original.

Filing papers if bail not given.

(§ 627.) Section six hundred and twenty-seven, so that it will read as follows:

§ 627. Where the injunction order was granted without notice, or where it was granted upon notice, with leave to apply to vacate or modify it, the party enjoined may apply, upon notice, to the judge who granted it, or to the court, at a term where a contested motion in the action may be heard, for an order, vacating or modifying the injunction order. Such an application may be founded upon the papers upon which the injunction was granted; or upon proof, by affidavit, on the part of the defendant; or both. Where it is founded upon proof on the part of the defendant, it may be opposed by new proof, by affidavit, on the part of the plaintiff, tending to sustain the injunction.

Application to vacate or modify upon notice.

(§ 714.) Section seven hundred and fourteen, by adding, at the end thereof, as follows: But where an order has been made, as prescribed in section four hundred and thirty-eight of this act, the court may, in its discretion, appoint a temporary receiver, to receive and preserve the property, without notice, or upon a notice given by publication or otherwise, as it thinks proper.

Appointment of receiver; notice of application.

(§ 719.) Section seven hundred and nineteen, so that it will read as follows:

Arrest, injunction and attachment; when not to be granted together.

§ 719. Where application for an order of arrest, an injunction, and a warrant of attachment, or two of them, is made, in the same action, against the same defendant; and it satisfactorily appears that, under the particular circumstances of the case, two or all of them are not necessary for the plaintiff's security, the court or judge may, in its or his discretion, require the plaintiff to elect between them. Where an application is made to obtain, vacate, modify, or set aside an order of arrest, injunction order, or warrant of attachment, the court or judge must finally decide the same, within twenty days after it is submitted for decision.

(§ 720.) Section seven hundred and twenty, so that it will read as follows:

Counterclaim, provisional remedies.

§ 720. Where the defendant interposes a counterclaim, and thereupon demands an affirmative judgment against the plaintiff, his right to a provisional remedy is the same as in an action brought by him against the plaintiff, for the cause of action stated in the counterclaim, and demanding the same judgment. And for the purpose of applying to such a case the provisions of this act, the defendant is deemed the plaintiff, the plaintiff is deemed the defendant, and the counterclaim so set forth in the answer is deemed the complaint.

(§ 721.) Section seven hundred and twenty-one, so that it will read as follows:

Defects cured by verdict, etc., and by judgment.

§ 721. In a court of record, where a verdict, report, or decision has been rendered, the judgment shall not be stayed, nor shall any judgment of a court of record be impaired or affected, by reason of either of the following imperfections, omissions, defects, matters, or errors, in the process, pleadings, or other proceedings:

1. For want of a summons, or other writ.
2. For any fault or defect in process; or for misconceiving a process, or awarding it to a wrong officer.
3. For an imperfect or insufficient return of a sheriff or other officer; or because an officer has not subscribed a return, actually made by him.
4. For a variance between the summons and complaint.
5. For a misleading, insufficient pleading, or joinder.
6. For want of a warrant of attorney by either party.
7. For the appearance, by attorney, of an infant party, if the verdict, report, or decision, or the judgment, is in his favor.
8. For omitting to allege any matter, without proof of which the verdict, report, or decision ought not to have been rendered.
9. For a mistake in the name of a party or other person; or in a sum of money; or in the description of property; or in reciting or stating a day, month, or year; where the correct name, sum, description, or date has been once rightly stated, in any of the pleadings or other proceedings.
10. For a mistake in the name of a juror or officer.
11. For an informality in entering judgment, or making up the judgment-roll.
12. For an omission on the part of a referee to be sworn; or for any other default or negligence of the clerk, or any other officer of the court, or of a party, his attorney or counsel, by which the adverse party has not been prejudiced.

(§ 757.) Section seven hundred and fifty-seven, so that it will read as follows:

§ 757. In case of the death of a sole plaintiff, or a sole defendant, if the cause of action survives or continues, the court must, upon a motion, allow or compel the action to be continued, by or against his representative, or successor in interest.

When sole party dies and action survives.

(§ 760.) Section seven hundred and sixty, so that it will read as follows:

§ 760. In a case specified in the foregoing sections of this title, where such a person applies in his own behalf, the court may direct that he be made a party, by amendment of the pleadings, or otherwise, as the case requires. Where an application is made by the plaintiff, to bring in such a person as defendant, the court may direct that a supplemental summons issue, and that supplemental pleadings be made. Where an application is made by a defendant, to bring in such a person, the court may, and where the protection of the applicant's rights requires it, must, permit the defendant to commence a cross action for that purpose. The cross action must be brought in the same court, unless the order otherwise specially directs. If it directs that the action be commenced in another court, the latter court may, by order, at any time after the cross action is commenced, remove to itself the original action, with like effect as if it had been brought therein. Unless the court otherwise directs, the original action and the cross action must be tried, and judgment rendered therein, as if they were one action.

When part of cause of action survives.

(§ 769.) Section seven hundred and sixty-nine, so that it will read as follows:

§ 769. A motion, upon notice, in an action in the supreme court, must be made within the judicial district, in which the action is triable, or in a county adjoining that in which it is triable; except that where it is triable in the first judicial district, the motion must be made in that district; and a motion, upon notice, cannot be made in that district in an action triable elsewhere. But this section does not apply to a case where it is specially prescribed by law that a motion may be made in the county, where the applicant, or other person to be affected thereby, or the attorney, resides.

Motions in supreme court, where to be heard.

(§ 779.) Section seven hundred and seventy-nine, so that it will read as follows:

§ 779. Where costs of a motion, directed by an order to be paid, are not paid within the time fixed for that purpose by the order, or, if no time is so fixed, within ten days after service of a copy of the order, all proceedings on the part of the party required to pay them, except to review or vacate the order, are stayed, without further direction of the court, until the payment thereof. But the adverse party may, at his election, waive the stay of proceedings. Where the order directs that the costs of the motion abide the event of the action, or where costs of a motion, awarded by an order, have not been collected, when final judgment is entered, they may be taxed, as part of the costs of the action, or set off against costs awarded to the adverse party, as the case requires.

Costs of a motion, how collected.

(§ 793.) Section seven hundred and ninety-three, so that it will read as follows:

§ 793. Where the right to a preference depends upon facts, which do not appear in the pleadings or other papers upon which the cause is to be tried or heard, the party desiring a preference must procure an order therefor, from the court, or a judge thereof, upon notice to

When an order is necessary.

the adverse party. A copy of the order must be served, with or before the notice of trial or argument. Such an order is not appealable; but it may be vacated by the judge or judges holding the term, at which the preferred cause is noticed for trial or hearing. But a preliminary order is not requisite, in a case embraced within subdivision first or second of the last section but one; and the order, in a case embraced within subdivision sixth thereof, may be made *ex parte*, and is conclusive.

(§ 797.) Subdivision fourth of section seven hundred and ninety-seven, so that it will read as follows:

Service of papers in an action.

4. Upon a party, by leaving the paper at his residence within the State, between six o'clock in the morning and nine o'clock in the evening, with a person of suitable age and discretion.

(§ 822.) Section eight hundred and twenty-two, so that it will read as follows:

Dismissal of complaint for neglect to proceed.

§ 822. Where the plaintiff unreasonably neglects to proceed in the action against the defendant, or one or more defendants against whom a separate judgment may be taken, the court may in its discretion, upon the application of the defendant or defendants, or any of them, against whom he so neglects to proceed, dismiss the complaint as against the moving party or parties, and render judgment accordingly.

(§ 832.) Section eight hundred and thirty-two, so that it will read as follows:

Conviction for crime not to exclude witness; how conviction proved.

§ 832. A person, who has been convicted of a crime or misdemeanor is, notwithstanding, a competent witness in a civil or criminal action or special proceeding; but the conviction may be proved, for the purpose of affecting the weight of his testimony, either by the record, or by his cross-examination, upon which he must answer any question, relevant to that inquiry; and the party cross-examining him is not concluded, by his answer to such a question.

§ 867. Section eight hundred and sixty-seven, so that it will read as follows:

Production, etc., of book of account.

§ 867. A person shall not be compelled to produce, upon a trial or hearing, a book of account, otherwise than by an order requiring him to produce it, or a subpoena duces tecum. Such a subpoena must be served at least five days before the day when he is required to attend. At any time after service of such a subpoena or order, the witness may obtain, upon such a notice as the judge, referee, or other officer prescribes, an order relieving him wholly or partly from the obligations imposed upon him by the subpoena or the order for production, upon such terms as justice requires touching the inspection of the book or any portion thereof, or taking a copy thereof or extracts therefrom, or otherwise. An order may be made, as prescribed in this section, by a judge of the court, or, in a special proceeding pending out of court before an officer, by the officer, or, in either case, by a referee duly appointed in the cause, and authorized to hear testimony. A justice of the peace, or other judge of a court not of record, may make such an order in an action brought in his court, at any time after the commencement thereof.

(§ 872.) Section eight hundred and seventy-two, so that it will read as follows:

Application, contents of affidavit.

§ 872. The person desiring to take a deposition, as prescribed in this article, may present to a judge of the court in which the action is

pending; or, if it is pending in the supreme court, to a county judge; or, if an action is not pending, but is expected to be brought, to a judge of the supreme court, or of a superior city court, or to a county judge; an affidavit, setting forth as follows:

1. The names and residences of all the parties to the action, and whether or not they have appeared; and, if either of them has appeared by attorney, the name, and the residence or office address of the attorney; or, if no action is pending, the names and residences of the expected parties thereto.

2. If an action is pending, the nature of the action and the substance of the judgment demanded, and, if the application is made by the defendant before answer, or by either party after answer, the nature of the defence.

3. If no action is pending, the nature of the controversy which is expected to be the subject thereof.

4. The name and residence of the person to be examined, and that the testimony of such person is material and necessary for the party making such application, or the prosecution or defence of such action, and, at the option of the applicant, the place where he is sojourning, or where he regularly transacts business.

5. If an action is pending, that the person to be examined is about to depart from the State; or that he is so sick or infirm, as to afford reasonable ground to believe that he will not be able to attend the trial; or that any other special circumstances exist, which render it proper that he should be examined as prescribed in this article. But this subdivision does not apply to a case, where the person to be examined is a party to the action.

6. If no action is pending, that the person expected to be the adverse party is of full age, and a resident of the State, or sojourning within the State; or that he has an office within the State, where he regularly transacts business in person, specifying the place, and, if it is in a city, the street and street number, or other designation of the particular locality; or, if two or more persons are expected to be adverse parties, that each is of full age, and so resident or sojourning, or has such an office; also the circumstances which render it necessary for the protection of the applicant's rights, that the witness's testimony should be perpetuated.

7. Any other fact, necessary to show that the case comes within one of the last two sections, or relevant to the questions specified in the next section.

(§ 873.) Section eight hundred and seventy-three, so that it will read as follows:

§ 873. The judge, to whom such an affidavit is presented, must grant an order for the examination, if an action is pending; if no action is pending, he must grant it, if there is reasonable ground to believe that an action will be brought, as stated in the affidavit, and that the application is made in good faith to preserve the expected testimony: otherwise he must dismiss the application. Where the person to be examined is a party to a pending action, or is expected to be a party to an action to be brought, the order may, in the discretion of the judge, designate and limit the particular matters as to which he shall be examined. The order must require the party or person to be examined to appear before the judge, or, except where the person to be examined is a party to a pending action, or is expected to be a party to an action to be brought, before a referee named in the order, for

Order for
examination.

the purpose of taking the examination, at a time and place therein specified. The order must also direct the time of service of a copy thereof; which must be made within the State, not more than twenty, nor less than five days, before the time fixed for the examination, unless special circumstances, making a different time of service necessary, are shown in the affidavit, and that fact is recited in the order.

(§ 875.) Section eight hundred and seventy-five, so that it will read as follows :

Service of
order, etc.

§ 875. A copy of the order, and of the affidavit upon which it was granted, must be served upon the attorney for each party to the action, in like manner as a paper in the action; or, if a party has not appeared in the action, they must be served upon him, as directed by the order. If no action is pending, they must be personally served upon each of the persons, named therein as expected adverse parties.

Examina-
tion of
adverse
party.

(§ 876.) Section eight hundred and seventy-six, by adding, at the end thereof, as follows : Sections eight hundred and fifty-six, eight hundred and fifty-seven and eight hundred and fifty-eight of this act apply to the examination of a party or a person expected to be an adverse party, taken as prescribed in this article.

(§ 880.) Section eight hundred and eighty, so that it will read as follows :

Rules for
examina-
tion of
party or
expected
party.
Manner of
taking and
returning
deposi-
tions. Re-
fusal of
person ex-
amined to
answer.

“§ 880. The examination of a party, or an expected party, is subject to the same rules as if he was examined upon the trial. The judge or referee, upon every other examination taken as prescribed in this article, must insert therein every answer or declaration of the person examined, which either party requires to be inserted. The deposition, when completed, must be carefully read to and subscribed by the person examined; must be certified by the judge or referee taking it; and, within ten days thereafter, must be filed in the office of the clerk; or, if no action is pending, in the office of the clerk of the county in which it was taken; together with the stipulation or order, under which it was taken; the affidavit upon which the order was granted; and proof of the service of a copy of the order and of the affidavit. If, upon an examination before a referee, the person examined refuses to answer any question, the referee must report the fact to the court or judge, who must determine whether the question is relevant, and whether the witness is bound to answer it.”

(§ 887.) Section eight hundred and eighty-seven, so that it will read as follows :

Where
commis-
sion to
issue.

§ 887. In a case specified in the next section, where it appears, by affidavit, on the application of either party, that the testimony of one or more witnesses, not within the State, is material to the applicant; a commission may be issued, to one or more competent persons, named therein; authorizing them, or any one of them, to examine the witness or witnesses named therein, under oath, upon the interrogatories annexed to the commission; to take and certify the deposition of each witness; and to return the same, and the commission, according to the directions given in or with the commission. The applicant, or any other party to the action, may be thus examined.

(§ 895.) Section eight hundred and ninety-five, so that it will read as follows :

Deposi-
tions
where ad-
verse

§ 895. The last two sections are not applicable, where the adverse party is an infant, or the committee of a person judicially declared to be incapable of managing his affairs, by reason of lunacy, idiocy, or

habitual drunkenness; or where the testimony is to be taken elsewhere than in the United States or in Canada. Nor can the applicant be examined in his own behalf, as prescribed in those sections, except by consent of the parties.

party is an
infant or
commit-
tee.

(§ 928.) Section nine hundred and twenty-eight, so that it will read as follows:

§ 928. An original certificate of a marriage, within the State, made by the minister or magistrate by whom it was solemnized; the original entry thereof, made, pursuant to law, in the office of the clerk of a city or a town, within the State; or a copy of the certificate, or of the entry, duly certified, is presumptive evidence of the marriage.

Marriage
certificate,
evidence.

(§ 933.) Section nine hundred and thirty-three, so that it will read as follows:

§ 933. A copy of a paper filed, kept, entered, or recorded, pursuant to law, in a public office of the State, the officer having charge of which has, pursuant to law, an official seal; or with the clerk of a court of the State; or with the clerk or secretary of either house of the legislature, or of any other public body or public board, created by authority of a law of the State, and having, pursuant to law, a seal; or a transcript from a record, kept, pursuant to law, in such a public office, or by such a clerk or secretary, is evidence, as if the original was produced. But, to entitle it to be used in evidence, it must be certified by the clerk of the court, under his hand and the seal of the court; or by the officer having the custody of the original, or his deputy or clerk, appointed pursuant to law, under his official seal, and the hand of the person certifying; or by the presiding officer, secretary, or clerk of the public body or board, appointed pursuant to law, under his hand, and, except where it is certified by the clerk or secretary of either house of the legislature, under the official seal of the body or board.

Copies of
records
and papers
in certain
offices,
presump-
tive evi-
dence.

(§ 944.) Section nine hundred and forty-four, so that it will read as follows:

§ 944. A copy of a record or other paper, remaining in a department of the government of the United States, is evidence, when certified by the head, or acting chief officer, for the time being, of that department; or when certified by the officer in whose charge it is, pursuant to a statute of the United States, or otherwise in accordance with a statute of the United States, relating to certifying the same. The record of the observations of the weather, taken under the direction of the signal service of the United States, when certified by the officer in charge thereof, at the place where they were taken and are kept, is presumptive evidence of the matters of fact stated therein.

Copies of
docu-
ments on
file in de-
partments
of U. S.
presump-
tive evi-
dence.

(§ 965.) Section nine hundred and sixty-five, so that it will read as follows:

§ 965. An issue, either of law or of fact, must be tried as prescribed in this chapter, unless it is disposed of as prescribed in chapter sixth of this act.

Issues to
be judi-
cially ex-
amined by
a trial.

(§ 990.) Section nine hundred and ninety, so that it will read as follows:

§ 990. An issue of law may be tried in any county, within the judicial district embracing the county wherein the action is triable; but after the trial, the decision, and all other papers relating to the trial must be filed, and the judgment rendered must be entered, in the last named county.

Issues of
law, where
triable.

Refusal of referee to serve.

(§ 1011.) Section one thousand and eleven, by adding, at the end thereof, as follows: If the referee named in a stipulation refuses to serve, or if a new trial of an action tried by a referee so named is granted, the court must appoint another referee, unless the stipulation expressly provides otherwise.

(§ 1021.) Section one thousand and twenty-one, so that it will read as follows:

Decisions of court or report of referee, upon trial of demurrer.

§ 1021. The decision of the court, or the report of a referee, upon the trial of a demurrer, must direct the final or interlocutory judgment to be entered thereupon. Where it directs an interlocutory judgment, with leave to the party in fault to plead anew or amend, or permitting the action to be divided into two or more actions, and no other issue remains to be disposed of, it may also direct the final judgment to be entered if the party in fault fails to comply with any of the directions given or terms imposed.

(§ 1030.) Subdivision fifth of section one thousand and thirty, so that it will read as follows:

Service; a juror, who exempt.

5. An attorney or counsellor at law, regularly engaged in the practice of the law, as a means of livelihood.

(§ 1081.) Subdivision third of section one thousand and eighty-one, so that it will read as follows:

Persons exempt from service

3. An attorney or counsellor at law, regularly engaged in the practice of the law, as a means of livelihood.

(§ 1113.) Section eleven hundred and thirteen, so that it will read as follows:

Proceedings before commissioner to remit or enforce jury fines.

§ 1113. The commissioner of jurors must cause a notice to be served upon each delinquent trial juror, returned as having been fined, stating the amount of the fine, and the term at which he was fined, and requiring him to attend before the commissioner at the latter's office, on a specified day and at a specified hour, and show cause, if he has any, why the fine should be wholly or partly remitted, or why payment of the fine should not be enforced. The notice must be served, at least six days before the day therein specified. If the sheriff's return shows that notice to attend, as a trial juror, was personally served upon the person fined, the notice to show cause, as prescribed in this section, may be served upon him either personally, or by leaving it at his residence, or usual place of business, with a person of suitable age and discretion; otherwise it must be served upon him personally. If a person so notified fails to attend, the fine must be enforced. If he attends, he may demand a hearing before the board for the enforcement of jury fines; otherwise the commissioner must decide with respect to the remission of the whole or any part of the fine, and the sufficiency of the cause shown, if any; and his decision is conclusive with respect to that fine, unless the person fined, within ten days thereafter, serves upon him a written demand of a hearing before the board of enforcement. In that case, the commissioner must appoint a time for the hearing; and the person fined must then attend without further notice.

(§ 1127.) Subdivision third of section eleven hundred and twenty-seven, so that it will read as follows:

Persons exempt from service.

3. An attorney or counsellor at law, regularly engaged in the practice of the law, as a means of livelihood.

(§ 1141.) Section eleven hundred and forty-one, so that it will read as follows:

§ 1141. If two or more of the judges, specified in the last section, attend with or without one or more justices of sessions, the commissioner must break the seal of the box containing the ballots, open it, and exhibit the ballots for their inspection; together with his original and each supplemental list of trial jurors, and also the verified transcripts thereof, filed in the county clerk's office. The ballots, containing the names of trial jurors, excused from service, for the whole or a portion of a previous term of a court of record in the county, which have not already been replaced in the box, to be redrawn, must then be replaced therein; and the judges, attending the drawing, must take care, when the seal is broken, that they are so replaced. If a supplemental list has been made, and a transcript filed since the last drawing, ballots, containing the names appearing therein, must, at the same time, be placed in the box. The judges and the commissioner, or a majority of them, must appoint one of the attending officers to draw the ballots from the box, and another to checkmark the drawing, as it proceeds, upon a copy of the lists, transcripts of which have been filed with the county clerk.

Proceedings preliminary to the drawing of trial jurors.

(§ 1171.) Section eleven hundred and seventy-one, so that it will read as follows:

§ 1171. If a sufficient number of jurors, duly drawn and notified, do not attend, or cannot be obtained, to form a trial jury, the court may, in any county except Westchester, direct the sheriff to require the attendance of such a number of talesmen, from the bystanders, or from the county at large, qualified to serve as trial jurors, as it deems sufficient for the purpose. In Westchester county, the court must direct the sheriff to draw a sufficient number of ballots from the first box, specified in section ten hundred and thirty-eight of this act if there is not a sufficient number of ballots remaining therein, to draw the residue from the second box, specified in section ten hundred and fifty-one of this act. In any other county, except New-York and Kings, it may, in its discretion, instead of directing him to require talesmen to attend, direct him to draw a sufficient number of ballots from the third box, specified in section ten hundred and fifty-two of this act. In either case, the sheriff must notify the persons thus drawn to attend forthwith, or upon a day fixed by the court. If, for any reason, a sufficient number of jurors to try the issue is not obtained, from the persons notified, under an order made as prescribed in this section, the court may make another order, or successive orders, until a sufficient number is obtained; and in making each order, the court may exercise the same discretion, as in making the first order.

When talesmen to be procured.

(§ 1185.) Section eleven hundred and eighty-five, by adding, at the end of that section, as follows: Notwithstanding that such a verdict has been rendered, the judge holding the trial term may, at the same term, set aside the verdict, and direct judgment to be entered for either party, with like effect and in like manner, as if such a direction had been given at the trial. An exception to such a direction may be taken as prescribed in section nine hundred and ninety-four of this act.

Judge may set aside verdict; exception.

(§ 1212.) Section twelve hundred and twelve, so that it will read as follows:

Judgment by default in certain actions on contract, how taken.

§ 1212. In an action specified in section four hundred and twenty of this act, where the summons was personally served upon the defendant, and a copy of the complaint, or a notice stating the sum of money for which judgment will be taken, was served with the summons, or where the defendant has appeared, but has made default in pleading, the plaintiff may take judgment by default, as follows:

1. If the defendant has made default in appearing, the plaintiff must file proof of the service of the summons, and of a copy of the complaint or the notice; and also proof, by affidavit, that the defendant has not appeared. Whereupon, the clerk must enter final judgment in his favor.

2. If the defendant has seasonably appeared, but has made default in pleading, the plaintiff must file proof of the service of the summons and of the appearance, or of the appearance only; and also proof, by affidavit, of the default. Whereupon, the clerk must enter final judgment in his favor.

If the defendant has made default in appearing or pleading, and the case is not one where the clerk can enter final judgment, as prescribed in either of the foregoing subdivisions of this section, the plaintiff must apply to the court for judgment, as prescribed in section twelve hundred and fourteen of this act.

(§ 1218.) Section twelve hundred and eighteen, so that it will read as follows:

When judgment cannot be taken against an infant defendant.

§ 1218. A judgment by default shall not be taken against an infant defendant, until twenty days have expired, since the appointment of a guardian ad litem for him.

(§ 1219.) Subdivision first of section twelve hundred and nineteen, so that it will read as follows:

When a defendant in default is entitled to notice.

1. If he has appeared generally, but has made default in pleading, he is entitled to at least five days' notice of the time and place of an assessment by the clerk, and to at least eight days' notice of the time and place of an application to the court for judgment.

(§ 1222.) Section twelve hundred and twenty-two, so that it will read as follows:

Final judgment, how taken after issue of law only.

§ 1222. Final judgment upon an issue of law, where no issue of fact remains to be tried, and final judgment has not been directed as prescribed in section ten hundred and twenty-one of this act, may be entered upon application to the court, or by the clerk in an action specified in section four hundred and twenty of this act.

(§ 1228.) Section twelve hundred and twenty-eight, so that it will read as follows:

Judgment upon trial by court or referee of the whole issue of fact.

§ 1228. Where the whole issue is an issue of fact, which was tried by a referee, the report stands as a decision of the court. Except where it is otherwise expressly prescribed by law, judgment upon such a report, or upon the decision of the court, upon the trial of the whole issue of fact without a jury, may be entered by the clerk, as directed therein, upon filing the decision or report.

(§ 1237.) Section twelve hundred and thirty-seven, so that it will read as follows:

Judgment roll to be filed; of what it consists.

§ 1237. The clerk, upon entering final judgment, must immediately file the judgment-roll; which must consist, except where special provision is otherwise made by law, of the following papers: the summons; the pleadings, or copies thereof; the final judgment, and the interlocu-

tory judgment, if any, or copies thereof; and each paper on file, or a copy thereof, and a copy of each order, which in any way involves the merits, or necessarily affects the judgment. If judgment is taken by default, the judgment-roll must also contain the papers required to be filed, upon so taking judgment, or upon making application therefor; together with any report, decision or writ of inquiry, and return thereto. If judgment is taken after a trial, the judgment-roll must contain the verdict, report, or decision; each offer, if any, made as prescribed in this act; and the exceptions or case then on file.

(§ 1244.) Section twelve hundred and forty-four, so that it will read as follows:

§ 1244. A conveyance of property, sold by virtue of an execution, or sold pursuant to a judgment, which specifies the particular party or parties, whose right, title, or interest is directed to be sold, must distinctly state, in the granting clause thereof, whose right, title, or interest was sold, and is conveyed, without naming, in that clause, any of the other parties to the action; otherwise, the purchaser is not bound to accept the conveyance, and the officer executing it is liable for the damages, which the purchaser sustains by the omission, whether he accepts or refuses to accept it.

Convey-
ance to
state name
of party.

(§ 1271.) By striking out section twelve hundred and seventy-one.

(§ 1276.) Section twelve hundred and seventy-six, so that it will read as follows:

§ 1276. The clerk, immediately after entering the judgment, must attach together and file the statement, as verified, and a copy of the judgment; which constitute the judgment-roll. The judgment may be docketed, and enforced against property, in the same manner, and with the same effect, as a judgment in an action, rendered in the same court; and each provision of law, relating to a judgment in an action, and the proceedings subsequent thereto, apply to a judgment thus taken.

Judgment-
roll; dock-
eting and
enforcing
the judg-
ment.

(§ 1331.) Section thirteen hundred and thirty-one, so that it will read as follows:

§ 1331. If the appeal is taken from a judgment, which entitles the respondent to the immediate possession of real property, or from a judgment or order, directing the sale or the delivery of possession of real property, it does not stay the execution of the judgment or order, until the appellant gives a written undertaking, to the effect that he will not, while in possession of the property, commit, or suffer to be committed, any waste thereon; and that, if the judgment or order is affirmed, or the appeal is dismissed, he will pay the value of the use and occupation of the property, or the part thereof, as to which the judgment or order is affirmed, from the time of taking the appeal, until the delivery of the possession thereof, pursuant to the judgment or order, not exceeding a specified sum, fixed by a judge of the court below. But if the judgment directs a foreclosure and sale of real property mortgaged, an undertaking is sufficient to stay the execution of the judgment, which is to the effect that if the judgment is affirmed, or the appeal is dismissed, the appellant will pay any deficiency which may occur upon the sale, in discharging the sum to pay which the sale is directed, with interest, and the costs, and all expenses chargeable against the proceeds of the sale, not exceeding a specified sum, fixed by a judge of the court below.

Security to
stay execu-
tion on
judgments
for posses-
sion of real
property.

(§ 1354.) Section thirteen hundred and fifty-four, so that it will read as follows:

Entry of judgment or order; judgment roll.

§ 1354. Where judgment of affirmance is rendered upon the appeal, the judgment-roll consists of a copy of the judgment, annexed to the papers, upon which the appeal was heard. Where subsequent proceedings are taken, at the special term or trial term, before the entry of final judgment, the judgment-roll must also contain the proper papers relating thereto.

(§ 1377.) Subdivision first of section thirteen hundred and seventy-seven, so that it will read as follows:

When execution may be issued after five years.

1. Where an execution was issued thereupon, within five years after the entry of the judgment, and has been returned wholly or partly unsatisfied or unexecuted.

(§ 1380.) Section thirteen hundred and eighty, by adding, at the end thereof, as follows.

Execution against decedent's property.

Where the lien of the judgment was created as prescribed in section twelve hundred and fifty-one of this act, neither the order nor the decree can be made until the expiration of three years after letters testamentary or letters of administration have been duly granted upon the estate of the decedent; and for that purpose such a lien, existing at the decedent's death, continues for three years and six months thereafter, notwithstanding the previous expiration of ten years from the filing of the judgment-roll.

(§ 1391.) Section thirteen hundred and ninety-one, so that it will read as follows:

Additional personal property exempt in certain cases.

§ 1391. In addition to the exemptions, allowed by the last section, necessary household furniture, working tools and team, professional instruments, furniture and library, not exceeding in value two hundred and fifty dollars, together with the necessary food for the team, for ninety days, are exempt from levy and sale by virtue of an execution, when owned by a person, being a householder, or having a family for which he provides, except where the execution is issued upon a judgment, recovered wholly upon one or more demands, either for work performed in the family as a domestic, or for the purchase-money of one or more articles, except as prescribed in this or the last section.

(§ 1487.) Subdivision second of section fourteen hundred and eighty-seven, so that it will read as follows:

In what cases execution may be issued against the person.

2. In any other case, where an order of arrest has been granted and executed in the action, and, if it was executed against the judgment debtor where it has not been vacated.

(§ 1488.) Section fourteen hundred and eighty-eight, so that it will read as follows:

Id.; against a woman.

§ 1488. But an execution cannot be issued against the person of a woman, unless an order of arrest has been granted and executed in the action, and, if it was executed against the judgment debtor, has not been vacated.

(§ 66.) Section sixty-six, by adding at the end thereof the following:

Attorney's and counsellor's compensation.

From the commencement of an action or the service of an answer containing a counterclaim, the attorney who appears for a party has a lien upon his client's cause of action or counterclaim, which attaches to a verdict, report, decision or judgment in his client's favor and the

proceeds thereof in whosoever hands they may come; and cannot be affected by any settlement between the parties before or after judgment.

(§ 89.) Section eighty-nine, so that it will read as follows:

§ 89. Each county clerk may, from time to time, by an instrument in writing, filed in his office, appoint, and at pleasure remove, one or more special deputy-clerks, to attend upon any or all of the terms or sittings of the courts of which he is clerk. Each person so appointed must, before he enters upon the duties of his office, subscribe, and file in the clerk's office, the constitutional oath of office; and he possesses the same power and authority as the clerk, at any sitting or term of the court which he attends, with respect to the business transacted thereat.

County clerk to appoint special deputy to attend courts.

(§ 285.) Section two hundred and eighty-five, so that it will read as follows:

“§ 285. A special deputy-clerk of a superior city court, appointed as prescribed by law, possesses the same powers as the clerk, at a sitting or term of the court which he attends, with respect to the business transacted thereat.”

Special deputy clerks.

(§ 450.) Section four hundred and fifty, by adding at the end thereof as follows:

“It is not necessary or proper to join her husband with her as a party in any action or special proceeding affecting her separate property.”

When married woman a party.

(§ 559.) Section five hundred and fifty-nine so that it will read as follows:

§ 559. Except where the action is brought for a cause specified in subdivision third of section five hundred and forty-nine of this act, or in a case where it is specially prescribed by law that security may be dispensed with, or the security to be given is specially regulated by law, the judge, before he grants the order, must require a written undertaking on the part of the plaintiff, with two sufficient sureties, to the effect that, if the defendant recovers judgment, or if it is finally decided that the plaintiff was not entitled to the order of arrest, the plaintiff will pay all costs which may be awarded to the defendant, and all damages which he may sustain by reason of the arrest, not exceeding the sum specified in the undertaking, which must be at least equal to one-tenth of the amount of bail required by the order, and not less than two hundred and fifty dollars.

Security upon order of arrest made by judge

(§ 472.) Section four hundred and seventy-two, so that it will read as follows:

§ 472. The court in which the action is brought, or a judge thereof, or, if the action is brought in the supreme court, the county judge of the county where the action is triable, may appoint a guardian ad litem for an infant, either plaintiff or defendant, as prescribed in this article. The clerk must act in that capacity for an infant defendant, where the court or the judge appoints him. No person, other than the clerk, shall be appointed a guardian ad litem, unless his written consent, duly acknowledged, is produced to the court or judge making the appointment.

Guardian how appointed.

Clerk, when to act.

* Subdivision eight of section seven hundred and ninety-one, so that it will read as follows:

Preference of certain actions, of any civil actions.

8. An action against a corporation, founded upon a note or another's evidence of debt for the absolute payment of money. An action upon an undertaking given upon an appeal to the court of appeals, or to stay the execution on an appeal to the court of appeals.

(§ 649.) Section six hundred and forty-nine, by adding at the end of sub-division second thereof, the following:

How property to be attached.

He must thereupon, without delay, deliver to the person from whose possession the property is taken, if any, a copy of the warrant, and of the affidavits upon which it was granted.

(§ 830.) By inserting immediately after section eight hundred and twenty-nine a new section numbered eight hundred and thirty, as follows:

When party, etc., cannot be examined. When party has died.

§ 830. Where a party has died since the trial of an action, on the hearing upon the merits of a special proceeding, the testimony of the decedent, or of any person who is rendered incompetent by the provisions of the last section, taken or read in evidence at the former trial or hearing, may be given or read in evidence at a new trial or hearing by either party, subject to any other legal objection to the competency of the witness, or to any legal objection to his testimony or any question put to him.

(§ 831.) Section eight hundred and thirty-one, so that it will read as follows:

When husband and wife not competent witnesses.

§ 831. A husband or wife shall not be compelled, or without consent of the other, if living, allowed, to disclose a confidential communication, made by one to the other, during the marriage. In an action for criminal conversation, the plaintiff's wife is not a competent witness for the plaintiff, but she is a competent witness for the defendant, as to any matter in controversy; except that she cannot, without the plaintiff's consent, disclose any confidential communication had or made between herself and the plaintiff.

When competent

(§ 855.) Section eight hundred and fifty-five, so that it will read as follows:

Penalty for disobeying subpoena.

§ 855. A person who is duly subpoenaed, as prescribed in the last section, must obey the subpoena. If he fails so to do, without a reasonable excuse, he is liable, in addition to any other punishment which may be lawfully inflicted therefor, for the damages sustained by the person aggrieved, in consequence of the failure, and fifty dollars in addition thereto, to be recovered as prescribed in section eight hundred and fifty-three of this act. If he fails to attend, the person issuing the subpoena, if he is a judge of a court of record or not of record, or if not, then any judge of such a court, upon proof by affidavit of the failure to attend, must issue a warrant to the sheriff of the county, commanding him to apprehend the defaulting witness, and bring him before the officer, person, or body, before whom or which his attendance was required.

Warrant for witness.

(§ 856.) Section eight hundred and fifty-six, so that it will read as follows:

When witness to be imprisoned.

§ 856. If the person subpoenaed and attending or brought as prescribed in the last section, before an officer or other person or a body refuses without reasonable cause to be examined, or to answer a legal

and pertinent question, or to produce a book or paper, which he was directed to bring by the terms of the subpoena, or to subscribe his deposition after it has been correctly reduced to writing, the person issuing the subpoena, if he is a judge of a court of record, or not of record, may forthwith, or if he is not, then any judge of such court may upon proof by affidavit of the facts by warrant commit the offender to jail, there to remain until he submits to do the act which he was so required to do or is discharged according to law.

(§ 1334.) Section thirteen hundred and thirty-four, so that it will read as follows :

§ 1334. Where two or more undertakings are required to be given as prescribed in this title they may be contained in the same instrument, or in different instruments at the option of the appellant. Each undertaking given as prescribed in this title must be executed by at least two sureties, and must specify the residence of each surety therein. A copy thereof with a notice showing where it is filed, must be served on the attorney for the adverse party with the notice of appeal or before the expiration of the time of appeal.

Undertaking may be in one instrument; form and service thereof.

§ 2. But the amendments, made to this act by section five hundred and forty-nine and five hundred and fifty, shall not apply to an action commenced ; the amendments to sections eight hundred and seventy-two, eight hundred and seventy-three, and eight hundred and eighty, shall not apply to a case where an order for an examination has been made ; the amendment to section ten hundred and eleven shall not apply to a case where a stipulation has been given, and the amendment to section thirteen hundred and eighty shall apply only to a case where the decedent dies, after this act takes effect. Nor shall any amendment made by this act invalidate or impair any proceeding taken.

When amendments not to apply.

CONCURRENT RESOLUTIONS.

CONCURRENT RESOLUTION relative to Assessment and Taxation.

WHEREAS, The subject of making a thorough revision of the tax laws of the State is one which seems to demand action on the part of the legislature ; and

WHEREAS, The investigation requisite to a wise revision of such laws is a work of so much magnitude that it cannot be done within the time embraced in one session of the Legislature ; and

WHEREAS, Not less than six different bills relating to this subject have been introduced during the present session, none of which are likely to be approved in their present form ; and

WHEREAS, Out of these several bills, supplemented by such information as can be gathered by examining the revisions of the tax laws of other States, the effect of the application of such revision, together with a proper study of the effect to be produced upon manufacturing and other interests by changing existing methods, it is the opinion of the Senate and Assembly that a plan can be devised which will reconcile the irregularities of taxation upon real and personal property; and

WHEREAS, It is not only impracticable, but it would be unwise without thorough inquiry as to the effect likely to be produced upon the various industrial interests of the State, to enact a law producing radical changes from the present system ; therefore

Resolved (if the Assembly concur), That the committee of finance of the Senate and the committee of ways and means of the Assembly be directed to prepare a bill which shall provide for the creation of a commission composed of eminent citizens, selected solely with reference to their qualifications for the work to be performed, and that the commission so created be directed to make an examination of the tax laws of the State ; also to gather all needed information in relation to the laws of other States, and in relation to the best method of readjusting our system of taxation so that it will be equitable to all classes of property, and that the said commission be directed to report to the next legislature during the first week of its session the result of their investigations, with the draft of a bill intended* to secure the accomplishment of these ends.

STATE OF NEW YORK. }
In Senate, May 8, 1879. }

The foregoing resolution was duly passed.

By order of the Senate.

JOHN W. VROOMAN, Clerk.

STATE OF NEW YORK. }
In Assembly, May 9, 1879. }

The foregoing resolution was duly passed.

By order.

EDW'D M. JOHNSON, Clerk.

* So in the original.

CONCURRENT RESOLUTION proposing amendments to section six of article ten, and sections two, five and six of article three of the Constitution, providing for biennial sessions of the legislature.

Resolved (if the Senate concur), That section six of article ten of the Constitution be amended so as to read as follows:

§ 6. The political year and legislative term shall begin on the first day of January, and the Legislature shall, every second year, assemble on the first Tuesday after the first Monday in January, unless a different day shall be appointed by law.

Resolved (if the Senate concur), That sections two, five and six of article three of the Constitution be amended so as to read as follows:

§ 2. The Senate shall consist of thirty-two members, and the Senators shall be chosen for four years. The Assembly shall consist of one hundred and twenty-eight members, who shall be chosen for two years.

§ 5. The Assembly shall consist of one hundred and twenty-eight members elected for two years. The members of Assembly shall be apportioned among the several counties of the State by the Legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, and shall be chosen by single districts. The Assembly districts shall remain as at present organized, until after the enumeration of the inhabitants of the State in the year eighteen hundred and eighty-five. The Legislature, at its first session after the return of every enumeration, shall apportion the members of Assembly among the several counties of the State in the manner aforesaid; and the board of supervisors in such counties as may be entitled under such apportionment to more than one member, except the city and county of New York, and in said city and county the board of aldermen of said city shall assemble at such a time as the Legislature making such apportionment shall prescribe, and divide their respective counties into assembly districts, each of which districts shall consist of convenient and contiguous territory, equal to the number of members of assembly to which such counties shall be entitled, and shall cause to be filed in the offices of the Secretary of State and the clerks of their respective counties a description of such district, specifying the number of each district and the population thereof, according to the last preceding enumeration, as near as can be ascertained; and the apportionment and districts shall remain unaltered until another enumeration shall be made as herein provided. No town shall be divided in the formation of assembly districts. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of assembly, and no new county shall be hereafter erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, be entitled to a member. But the Legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties. Nothing in this section shall prevent division, at any time, of counties and towns, and the erection of new towns and counties by the Legislature.

§ 6. Each member of the Legislature shall receive for his services an annual salary of seven hundred and fifty dollars. The members of either house shall also receive the sum of one dollar for every ten miles

they shall travel in going to and returning from their place of meeting once in each session on the most usual route. When the Senate and Assembly are convened in extra or special session, upon the call of the governor, each member of the Legislature shall receive an additional allowance of ten dollars a day, and senators, when the Senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments; and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

Resolved (if the Senate concur), That the foregoing amendments be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK.
In Assembly, April 2, 1879.
The foregoing resolutions were duly passed.
By order of the Assembly.
EDWARD M. JOHNSON, *Clerk*.

STATE OF NEW YORK.
In Senate, May 15, 1879.
The foregoing resolutions were duly passed.
By order of the Senate.
JOHN W. VROOMAN, *Clerk*.

CONCURRENT RESOLUTION proposing to amend article seven of the Constitution.

Resolved (if the Senate concur), That article seven of the Constitution is hereby amended so as to read as follows:

SECTION 1. Section first and section second of article seven of the Constitution of the State are hereby abrogated and annulled.

§ 2. Section three of said article shall be changed to section one and the said section shall hereafter read as follows:

§ 1. The Legislature shall not lease, sell, or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Black River canal, or the Cayuga and Seneca* canal, but they shall remain the property of the State, and under its management forever. The rates of toll on persons and property transported on the canals shall not be reduced below those for the year eighteen hundred and fifty-two, except by the canal board, with the concurrence of the Legislature. All contracts for work or materials on any canal shall be made with the person who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor, but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

§ 3. Hereafter the expenditures for collection, superintendence, ordinary or extraordinary repairs on the canals named in the first section of this article shall not exceed, in any year, their gross receipts for the previous year, except in cases hereinafter provided.

§ 4. There shall be created a fund, under the control and management of the commissioners of the canal fund, which shall be made up in the following manner:

1. Of all funds that may be derived from any lease, sale, or other

* So in the original.

disposition of any canal, other than the canals named in the first section of this article.

2. From any excess of gross receipts of the previous year, beyond the expenditures for collection, superintendence, ordinary and extraordinary repairs on the canals named in the first section of this article, for the year next subsequent thereto.

3. By the transfer thereto of the sum of four hundred thousand dollars now in the treasury, which has been paid therein in pursuance of the requirements of act, chapter four hundred and twenty-five of the laws of eighteen hundred and seventy-six, for the deepening of the channel of the canal. All of which fund so hereby created shall be invested in stocks or bonds of this State or the United States, and may, under the direction and enactment of the Legislature from time to time, be appropriated to make up any deficiency to meet the ordinary or extraordinary expenditures of the canals beyond the requirements and restrictions of the second section of this article, or for permanent improvement of the canals. And in addition hereto, in case of any extraordinary necessity arising out of any unforeseen or unprovided for disaster to the canals, the Legislature may in its discretion, by a vote of two-thirds of all the members elected to each branch of the Legislature, appropriate a sum in any one year not exceeding five hundred thousand dollars, out of the general fund for the purposes of canal reparation and restoration, which last-mentioned sum shall be restored to the general fund from the fund herein created as soon as may be, and in preference to any other claim upon such fund.

§ 5. Strike out sections four, five and six; make sections seven, eight, nine, ten, eleven, twelve, thirteen and fourteen to read sections four, five, six, seven, eight, nine, ten, and eleven.

§ 11. The present canal funded debt shall hereafter be named a general fund debt, and shall be redeemed and paid at the time or the times when the same becomes due by taxation, and the payment of the principal and interest thereof shall be provided for by a sinking fund in the same manner as now, except that the income from the canals shall not be called upon for that purpose.

§ 12. This article of the Constitution hereby reconstructed shall be and remain article seven of the Constitution, in place and stead of article seven of the Constitution hereby amended.

STATE OF NEW YORK, }
In Assembly, May 13, 1879. }

The foregoing resolution was duly passed.

By order of the Assembly.

EDWARD M. JOHNSON, *Clerk*.

STATE OF NEW YORK, }
In Senate, May 22, 1879. }

The foregoing resolution was duly passed.

By order of the Senate.

JOHN W. VROOMAN, *Clerk*.

CONCURRENT RESOLUTION proposing an amendment to article six of the Constitution.

Resolved (if the Assembly concur), That sections twelve and thirteen of article six of the Constitution be amended so as to read as follows:

§ 12. The superior court of the city of New York, the court of common pleas of the city and county of New York, the superior court of Buffalo, and the city court of Brooklyn, are continued, with the powers and jurisdiction they now severally have, and such further civil and criminal jurisdiction as may be conferred by law. The superior court of New York shall be composed of the six judges in office

at the adoption of this article, and their successors. The court of common pleas of New York, of the three judges then in office, and their successors, and three additional judges. The superior court of Buffalo, of the judges now in office, and their successors; and the city court of Brooklyn, of such number of judges, not exceeding three, as may be provided by law. The judges of said courts in office at the adoption of this article are continued until the expiration of their terms. A chief judge shall be appointed by the judges of each of said courts, from their own number, who shall act as such during his official term. Vacancies in the office of the judges named in this section, occurring otherwise than by expiration of term, shall be filled in the same manner as vacancies in the supreme court. The Legislature may provide for detailing judges of the superior court and court of common pleas of New York, to hold circuits and special terms of the supreme court in that city; and for detailing judges of the city court of Brooklyn to hold circuits and special terms of the supreme court in Kings county, as the public interests may require.

§ 13. Justices of the supreme court shall be chosen by the electors of their respective judicial districts. Judges of all courts mentioned in the last preceding section shall be chosen by the electors of the cities respectively in which said courts are instituted. The official terms of the said justices and judges, who shall be elected after the adoption of this article, shall be fourteen years, from and including the first day of January next after their election. But no person shall hold the office of justice or judge of any court longer than until and including the last day of December next, after he shall be seventy years of age. The compensation of every judge of the court of appeals, and of every justice of the supreme court, whose term of office shall be abridged pursuant to this provision, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected.

Resolved (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK. }
In Senate, May 6, 1879. }
The foregoing resolution was duly passed.
By order of the Senate.
JOHN W. VROOMAN, *Clerk*.

STATE OF NEW YORK. }
In Assembly, May 20, 1879. }
The foregoing resolution was duly passed.
By order of the Assembly.
EDW'D M. JOHNSON, *Clerk*.

TITLES OF ACTS

PASSED AT THE ONE HUNDRED AND THIRD SESSION,

1880.

[The beginning of the titles of the acts in this compilation are, in this list, printed in heavier type.]

- CHAP. 1.** An act to confirm the incorporation of "The Union Evangelical Church of Corona." Passed January 29, 1880.
- CHAP. 2.** An act authorizing the board of supervisors of the county of Ulster to issue bonds during the years eighteen hundred and eighty, eighteen hundred and eighty-one and eighteen hundred and eighty-two, respectively, to pay portions of the county bonds falling due in said years. Passed January 29, 1880; three-fifths being present.
- CHAP. 3.** An act to incorporate the James Prendergast Library Association of Jamestown, New York. Passed January 29, 1880; three-fifths being present.
- CHAP. 4.** An act to declare the cases in which offices shall be deemed vacant. Passed February 5, 1880; three-fifths being present.
- CHAP. 5.** An act to authorize the president, treasurer and secretary of any railroad company to issue certificates of stock in certain cases after a foreclosure and sale of the property and franchises of the corporation. Passed February 5, 1880.
- CHAP. 6.** An act to authorize the common council of the city of Lockport to raise, by tax, and disburse money in providing a system of fire alarm for said city of Lockport. Passed February 9, 1880; three-fifths being present.
- CHAP. 7.** An act to incorporate the fire department of the village of Medina. Passed February 10, 1880; three-fifths being present.
- CHAP. 8.** An act relating to legal proceedings in which the mayor, aldermen and commonalty of the city of New York are parties of record or in interest. Passed February 11, 1880; three-fifths being present.
- CHAP. 9.** An act to declare women eligible to serve as school trustees. Passed February 12, 1880; three-fifths being present.
- CHAP. 10.** An act appropriating moneys for the State prison at Auburn. Passed February 13, 1880; three-fifths being present.
- CHAP. 11.** An act making an appropriation to carry out the provisions of chapter one hundred and thirty-four of the laws of eighteen hundred and seventy-eight, and chapter three hundred and six of the laws of eighteen hundred and seventy-nine, entitled, respectively, "An act in relation to infectious and contagious diseases of animals," and to provide for liquidating and discharging all obligations incurred thereunder by the agents of the State. Passed February 14, 1880; three-fifths being present.

- CHAP. 12.** An act to amend chapter three hundred and seventeen of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled 'An act in relation to the bonded indebtedness of the villages, cities, towns and counties.'" Passed February 14, 1880; three-fifths being present.
- CHAP. 13.** An act to amend chapter three hundred and twelve of the laws of eighteen hundred and sixty-one, entitled "An act to revise, amend and consolidate the several acts relating to the village of Sag Harbor," and the several acts amendatory thereof. Passed February 18, 1880; three-fifths being present.
- CHAP. 14.** An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and to consolidate therewith the several acts in relation to the charter of said city. Passed February 19, 1880; three-fifths being present.
- CHAP. 15.** An act giving the consent of the State of New York to the United States for the purchase of land at New Brighton, and ceding jurisdiction over the same. Passed February 19, 1880; two-thirds being present.
- CHAP. 16.** An act to amend chapter sixty-three of the laws of eighteen hundred and fifty-seven, entitled "An act to revise the charter of the city of Syracuse." Passed February 19, 1880; three-fifths being present.
- CHAP. 17.** An act to amend chapter thirty-four of the laws of eighteen hundred and fifty-eight, entitled "An act to make school district number nine, in the town of Pomfret, a union free school district." Passed February 19, 1880; three-fifths being present.
- CHAP. 18.** An act to amend chapter two hundred and seventy-seven of the laws of eighteen hundred and sixty-eight, entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December seventh, eighteen hundred and forty-seven," and the several acts amending the same, so far as relates to the village of Baldwinsville, Onondaga county. Passed February 19, 1880; three-fifths being present.
- CHAP. 19.** An act to amend chapter four hundred and seventy-nine of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the charter of the village of Dunkirk." Passed February 19, 1880; three-fifths being present.
- CHAP. 20.** An act to authorize the extension of the time for the collection of taxes in the several towns of this State. Passed February 20, 1880; three-fifths being present.
- CHAP. 21.** An act to authorize the sale by towns, cities and villages in the counties of Chenango, Delaware, Madison, Ulster, Sullivan, Cortland, Orange, Cayuga and Oswego, the towns of Pittsfield and Edmeston, in the county of Otsego, and the town of Vienna, in the county of Oneida, of capital stock in railroad companies. Passed February 20, 1880; three-fifths being present.
- CHAP. 22.** An act to regulate the depositing of securities by insurance companies with the superintendent of the insurance department. Passed February 20, 1880.
- CHAP. 23.** An act to authorize the State comptroller to dispose of United States securities held by him for various trust funds, and to reinvest the proceeds from sales of said securities. Passed February 20, 1880; three-fifths being present.
- CHAP. 24.** An act to exempt the county of Oswego, except the towns of Mexico, Richmond and Sandy Creek from the provisions and operation of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties." Passed February 20, 1880; three-fifths being present.
- CHAP. 25.** An act to divide the third and seventh wards of the city of Utica, and to create the eleventh and twelfth wards therein. Passed February 20, 1880; three-fifths being present.
- CHAP. 26.** An act to provide for the payment to the treasurer of Kings county of the amount of State and county taxes annually raised by the city of Brooklyn. Passed February 20, 1880; three-fifths being present.

- CHAP. 27.** An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction." Passed February 23, 1880; three-fifths being present.
- CHAP. 28.** An act to amend chapter two hundred and fifty-nine of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter twenty-two of the laws of eighteen hundred and fifty-eight, entitled 'An act to enable the electors of town of Watervliet to vote by districts for the election of town officers.'" Passed February 24, 1880; three-fifths being present.
- CHAP. 29.** An act giving the consent of the State of New York to the purchase of, or acquisition by the United States of, two sites for range lights in Cold Spring harbor (Queens county), Long Island, New York, and ceding jurisdiction over the same. Passed February 25, 1880; by a two-third vote.
- CHAP. 30.** An act to amend chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, entitled "An act to amend an act to incorporate the city of Troy, passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy," and supplemental thereto. Passed February 27, 1880; three-fifths being present.
- CHAP. 31.** An act in relation to the public buildings and grounds belonging to Erie county and the city of Buffalo. Passed February 27, 1880; three-fifths being present.
- CHAP. 32.** An act to amend chapter one hundred and twenty-six of the laws of eighteen hundred and seventy-three, entitled "An act to organize a board of school commissioners in and for the city of Troy," and the several acts amendatory thereof. Passed February 27, 1880; three-fifths being present.
- CHAP. 33.** An act making appropriation for continuing work upon the new capitol during the winter and spring of the year eighteen hundred and eighty. Passed February 28, 1880; three-fifths being present.
- CHAP. 34.** An act to authorize the common council of the city of Poughkeepsie to construct a building for recorder's court room, police head-quarters, lock-up and city offices, and to provide means for the payment therefor. Passed February 28, 1880; three-fifths being present.
- CHAP. 35.** An act to authorize the Attica Water Company to purchase, hold, operate and maintain the gas-works, pipes, fixtures, machinery and real estate used in connection therewith, now in the village of Attica, Wyoming county, New York. Passed February 28, 1880; three being present.
- CHAP. 36.** An act to amend the laws of evidence and practice on civil and criminal trials. Passed February 28, 1880; three-fifths being present.
- CHAP. 37.** An act to amend chapter one hundred and twenty-seven of the laws of eighteen hundred and sixty, entitled "An act to organize a fire department in the village of Delhi, Delaware county." Passed March 1, 1880; three-fifths being present.
- CHAP. 38.** An act to legalize the official acts and proceedings of Richmond S. Hayes, a justice of the peace, of the town of East Bloomfield, in the county of Ontario. Passed March 1, 1880.
- CHAP. 39.** An act to extend the time for the collection of county taxes in the city of Auburn. Passed March 3, 1880; three-fifths being present.
- CHAP. 40.** An act to legalize the acts of certain town officers of the town of New Rochelle, and to authorize the issue of bonds by said town. Passed March 3, 1880; three-fifths being present.
- CHAP. 41.** An act to amend section ten of title eight of chapter seventy-seven of the laws of eighteen hundred and seventy, entitled "An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April twelfth, eighteen hundred and forty-two, and the several acts amendatory thereof; and also to repeal the act to establish a capital police district and to provide for the government thereof, passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, in so far as they relate to the city of Albany." Passed March 3, 1880; three-fifths being present.

- CHAP. 42.** An act to amend chapter five hundred and ninety of the laws of eighteen hundred and seventy-two, entitled "An act to regulate processions and parades in the cities of the State of New York." Passed March 3, 1880; three-fifths being present.
- CHAP. 43.** An act to amend chapter five hundred and ninety of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the Porous Plaster Company of the city of New York." Passed March 3, 1880.
- CHAP. 44.** An act to amend chapter four hundred and forty-nine of laws of eighteen hundred and fifty-three, entitled "An act to amend the act incorporating the village of Attica, passed May second, eighteen hundred and thirty seven, to alter the bounds and to enlarge the powers of the corporation of said village." Passed March 3, 1880; three-fifths being present.
- CHAP. 45.** An act to amend section seven of chapter five hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act in relation to the custody and disposition of the moneys arising from the sale of the plain or common lands of the town of Hempstead, Queens county, New York." Passed March 3, 1880; three-fifths being present.
- CHAP. 46.** An act authorizing the board of supervisors of the county of Kings to purchase land for the purposes of the national guard. Passed March 3, 1880; three-fifths being present.
- CHAP. 47.** An act to amend chapter fifty of the laws of eighteen hundred and twenty-four, entitled "An act relating to hackney coaches and carriages in the city of New York." Passed March 4, 1880; three-fifths being present.
- CHAP. 48.** An act to authorize the common council of the city of Ogdensburg to raise money for the purpose of finishing and furnishing additional school rooms of said city. Passed March 4, 1880; three-fifths being present.
- CHAP. 49.** An act to amend chapter six hundred and fifteen of the laws of eighteen hundred and sixty-eight, and amended by chapter thirty-seven of the laws of eighteen hundred and seventy-three, entitled "An act conferring additional corporate powers upon the village of Ellenville." Passed March, 4, 1880; three-fifths being present.
- CHAP. 50.** An act to amend chapter eight hundred and fifty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river,'" passed May tenth, eighteen hundred and seventy-one. Passed March 4, 1880.
- CHAP. 51.** An act for the improvement of the Hudson river, and to make an appropriation therefor. Passed March 4, 1880; three-fifths being present.
- CHAP. 52.** An act to perfect title to lands in "The Trustees of the village of Skaneateles," for cemetery purposes. Passed March 9, 1880; three-fifths being present.
- CHAP. 53.** An act authorizing the trustees of the "Pine Ridge Cemetery Association of Sennett" to grant and convey to the city of Auburn certain lands for a public cemetery. Passed March 10, 1880; three-fifths being present.
- CHAP. 54.** An act to amend the Code of Civil Procedure. Passed March 10, 1880; three-fifths being present.
- CHAP. 55.** An act to amend section three of chapter one hundred and ten of the laws of eighteen hundred and seventy-six, entitled "An act supplemental to chapter sixty of the laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies, and of the several acts amendatory thereof.'" Passed March 10, 1880.
- CHAP. 56.** An act to promote honest elections. Passed March 11, 1880; three-fifths being present.
- CHAP. 57.** An act to authorize the city of Auburn to take by gift, grant or devise, lands in the town of Sennett for a public cemetery, and to provide for the care, management and protection of the same. Passed March 11, 1880; three-fifths being present.

- CHAP. 58.** An act further to amend chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts." Passed March 11, 1880; three-fifths being present.
- CHAP. 59.** An act for the relief of the Manhattan Savings Institution of the city of New York, and to authorize the city of Yonkers to issue bonds for certain purposes. Passed March 12, 1880; three-fifths being present.
- CHAP. 60.** An act making an appropriation to pay the expense of the publication of the concurrent resolutions proposing amendments to the constitution, under the direction of the secretary of state, in eighteen hundred and seventy-nine, and providing for the publication of concurrent resolutions hereafter. Passed March 12, 1880; three-fifths being present.
- CHAP. 61.** An act to provide for the appointment of two additional trustees of the Binghamton Asylum for the Chronic Insane, and to make an appropriation for such asylum. Passed March 12, 1880; three-fifths being present.
- CHAP. 62.** An act in relation to the office of commissioner of highways of the town of Stony Point, Rockland county. Passed March 13, 1880; three-fifths being present.
- CHAP. 63.** An act in relation to the office of overseer of the poor in the town of Stony Point, Rockland county. Passed March 13, 1880; three-fifths being present.
- CHAP. 64.** An act in relation to the incorporation of villages. Passed March 15, 1880; three-fifths being present.
- CHAP. 65.** An act further to amend chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, entitled "An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek from the North river to the East river, through the Harlem Kills and ceding jurisdiction on the same," as amended by chapter three hundred and forty-five of the laws of eighteen hundred and seventy-nine. Passed March 17, 1880; by a two-thirds vote.
- CHAP. 66.** An act to confer power upon the common council of the city of New York to complete the restoration of Tompkins square as a public park. Passed March 18, 1880; three-fifths being present.
- CHAP. 67.** An act to amend the Code of Civil Procedure. Passed March 18, 1880; three-fifths being present.
- CHAP. 68.** An act to authorize the sale of lands in the town and village of Saratoga Springs, for unpaid state, county and municipal taxes, including water rates and special assessments. Passed March 19, 1880; three-fifths being present.
- CHAP. 69.** An act ceding jurisdiction to the United States over a submarine site for a light-house to be built at the Great Beds in Raritan bay. Passed March 20, 1880; by a two-thirds vote.
- CHAP. 70.** An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and to consolidate therewith the several acts in relation to the charter of said city, as amended by chapter fourteen, laws of eighteen hundred and eighty. Passed March 20, 1880; three-fifths being present.
- CHAP. 71.** An act to authorize the board of trustees of Putnam Union Free School District Number Ten, of White Creek and Jackson, to sell and convey a portion of the real estate constituting their school-house site. Passed March, 20, 1880; three-fifths being present.
- CHAP. 72.** An act to amend section one, title four, chapter seventeen, part one of the Revised Statutes, relating to the licensing of hawkers and peddlers. Passed March 20, 1880; three-fifths being present.
- CHAP. 73.** An act to authorize the Ogdensburg and Lake Champlain Railroad Company to issue bonds and to execute a mortgage to raise funds to provide for the retirement of its preferred stock and other purposes. Passed March 23, 1880; three-fifths being present.
- CHAP. 74.** An act relative to lands under water in front of lands devised by James Morris, deceased. Passed March 23, 1880; three-fifths being present.

- CHAP. 75.** An act to subject the town of Scipio, in the county of Cayuga, to the provisions and operations of chapter one hundred and eighty of the laws of eighteen hundred seventy-five, entitled "An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties." Passed March 23, 1880; three-fifths being present.
- CHAP. 76.** An act to amend section one of chapter two hundred and twelve of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the distribution of the acts passed by the legislature to town clerk's offices." Passed March 23, 1880; three-fifths being present.
- CHAP. 77.** An act to amend chapter four hundred and ninety-seven of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city." Passed March 26, 1880; three-fifths being present.
- CHAP. 78.** An act to enable the trustees of villages in the county of Richmond to contract for a supply of water to such villages for fire and other public purposes, and to raise and expend money therefor. Passed March 26, 1880; three-fifths being present.
- CHAP. 79.** An act to amend chapter one hundred and eight of the laws of eighteen hundred and sixty-six, entitled "An act to further amend the charter of the village of Cooperstown in the county of Otsego." Passed March 26, 1880; three-fifths being present.
- CHAP. 80.** An act to amend chapter three hundred and fifty-one of the laws of eighteen hundred and seventy-four, entitled "An act to amend chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine, entitled 'An act to equalize the State tax among the several counties in the State and to amend chapter three hundred and twenty-seven of the laws of eighteen hundred and seventy-three, amendatory thereof.'" Passed March 26, 1880; three-fifths being present.
- CHAP. 81.** An act to amend chapter two hundred and fifty-eight of the laws of eighteen hundred and sixty-four, entitled "An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan." Passed March 26, 1880; three-fifths being present.
- CHAP. 82.** An act to regulate the location of future burial grounds or cemeteries within the city of Buffalo. Passed March 26, 1880.
- CHAP. 83.** An act to authorize and empower the State board of audit to adjust and settle certain differences existing between the State and the county of Monroe. Passed March 27, 1880; three-fifths being present.
- CHAP. 84.** An act to enable the Forsyth Street Methodist Episcopal Church to transfer its real estate to trustees. Passed March 30, 1880.
- CHAP. 85.** An act supplemental to chapter forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporation for manufacturing, mining, mechanical or chemical purposes," and the amendments made thereto. Passed March 31, 1880.
- CHAP. 86.** An act to amend chapter eight of part first of the Revised Statutes, entitled "Of the duties of the executive officers of the State, and of various matters connected with their respective departments." Passed March 31, 1880; three-fifths being present.
- CHAP. 87.** An act to authorize the Knickerbocker Casualty Insurance Company of New York to change the name thereof to "The Fidelity and Casualty Company of New York." Passed March 31, 1880.
- CHAP. 88.** An act to amend section one of chapter one hundred and sixteen of the laws of eighteen hundred and sixty-two, entitled "An act to appoint a trustee to receive and hold the bequest of Levi Farr, deceased, for the benefit of school district number four in the town of Greene, Chenango county." Passed April 1, 1880.
- CHAP. 89.** An act to extend the time for making assessments and correcting assessments for taxes in the city of New York. Passed April 1, 1880; three-fifths being present.
- CHAP. 90.** An act to authorize the police department or board of police of any city to appoint policemen of district telegraph companies. Passed April 2, 1880; three-fifths being present.

- CHAP. 91.** An act to enforce collection of the taxes levied in the county of Oneida. Passed April 2, 1880; three-fifths being present.
- CHAP. 92.** An act in relation to the common lands of the town of Gravesend. Passed April 2, 1880; three-fifths being present.
- CHAP. 93.** An act in relation to the overseer of the poor of the town of Hempstead, Queens county. Passed April 2, 1880, three-fifths being present.
- CHAP. 94.** An act to amend section two of chapter nine hundred and seventeen of the laws of eighteen hundred and sixty-nine, entitled "An act authorizing the consolidation of certain railroad companies." Passed April 3, 1880.
- CHAP. 95.** An act to confirm and legalize the acts of Albert C. Frost, as notary public of the county of Schuyler, since March thirtieth, eighteen hundred and seventy-eight. Passed April 3, 1880.
- CHAP. 96.** An act to provide for the improvement and care of private parks in the city of Rochester in this State. Passed April 5, 1880; three-fifths being present.
- CHAP. 97.** An act to authorize the completion of a bridge over the Erie canal at York street in the city of Buffalo. Passed April 6, 1880; three-fifths being present.
- CHAP. 98.** An act to amend chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act for the incorporation of societies or clubs for certain lawful purposes." Passed April 7, 1880.
- CHAP. 99.** An act to amend sections seventeen and eighteen of article two, title nine, chapter nine, part one of the Revised Statutes, entitled "Of the canal commissioners and their general powers and duties." Passed April 7, 1880; three-fifths being present.
- CHAP. 100.** An act to authorize the State comptroller to issue revenue bonds in anticipation of the State tax, for expenses of government. Passed April 7, 1880; three-fifths being present.
- CHAP. 101.** An act to repeal chapter four hundred and two of the laws of eighteen hundred and seventy-eight, entitled "An act to authorize the county clerk of Kings county to arrange, assort and repair all judgments, decrees, orders and other papers, filed or deposited in Kings county clerk's office, and to record and certify mutilated or injured writings affecting the title to real estate in said county, and providing compensation for his services in that respect." Passed April 7, 1880; three-fifths being present.
- CHAP. 102.** An act to amend chapter five hundred and eighty-nine of the laws of eighteen hundred and seventy-five, entitled "An act to extend the powers of the trustees of the village of Wilson, in the county of Niagara." Passed April 7, 1880; three-fifths being present.
- CHAP. 103.** An act to authorize the town of Flushing, in Queens county, to borrow money and issue bonds therefor, for the purpose of paying the indebtedness of said town. Passed April 7, 1880; three-fifths being present.
- CHAP. 104.** An act to confirm the proceedings of the board of trustees of the village of Attica relating to the sale and purchase of real estate. Passed April 7, 1880; three-fifths being present.
- CHAP. 105.** An act to provide for the completion and opening for public travel of the New York and Brooklyn bridge, and to authorize the sale and conveyance of certain gores and pieces of land by the trustees thereof. Passed April 7, 1880; three-fifths being present.
- CHAP. 106.** An act to repeal chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York.'" Passed April 7, 1880; three-fifths being present.
- CHAP. 107.** An act to exempt the towns of Guilford and Greene, Chenango county, from the provisions and operations of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this state, and to prescribe their powers and duties." Passed April 7, 1880; three-fifths being present.

- CHAP. 108.** An act to amend section one thousand and thirty-nine of the Code of Civil Procedure.
- CHAP. 109.** An act to provide for the establishment of a union free school or schools within the corporate limits of the village of Cortland. Passed April 9, 1880; three-fifths being present.
- CHAP. 110.** An act to regulate the examinations and reports of fire and fire and inland navigation insurance companies. Passed April 9, 1880; three-fifths being present.
- CHAP. 111.** An act to release the interest of the people of the State of New York in and to lands of which Richard Byrd and Joseph Byrd died seized to Mary S. Bradley. Passed April 9, 1880; two-thirds voting in favor thereof.
- CHAP. 112.** An act to amend chapter four hundred and seventy-six of the laws eighteen hundred and sixty-nine, entitled "An act to establish the office of receiver of taxes in the town of New Rochelle, in the county of Westchester." Passed April 9, 1880; three-fifths being present.
- CHAP. 113.** An act to amend chapter four hundred and sixty-nine of the laws of eighteen hundred and seventy-three, entitled "An act relative to the purchasers of the franchises and property of corporations whose franchises and property shall have been sold by mortgage." Passed April 9, 1880.
- CHAP. 114.** An act to exempt certain towns of this State from the provisions of chapter four hundred and thirty-one of the laws of eighteen hundred and seventy-five, entitled "An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof." Passed April 9, 1880; three-fifths being present.
- CHAP. 115.** An act further to amend chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and Territories." Passed April 9, 1880.
- CHAP. 116.** An act to confirm the election of trustees in the village of Hastings-on-Hudson, in the county of Westchester, and to provide for their election hereafter. Passed April 9, 1880; three-fifths being present.
- CHAP. 117.** An act for the relief of persons who performed the duties of clerks and assistant clerks of district courts in the city of New York, in the year one thousand eight hundred and seventy-six. Passed April 10, 1880; three-fifths being present.
- CHAP. 118.** An act in relation to the sale, and the proceeds of sale, of certain school property in the city of Albany. Passed April 12, 1880; three-fifths being present.
- CHAP. 119.** An act to extend the time for the collection of taxes in the towns of Catskill and Hunter, in the county of Greene. Passed April 12, 1880; three-fifths being present.
- CHAP. 120.** An act to amend chapter eleven of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to create a board of public instruction in the city of Albany, to establish free schools therein, and amendatory of the several acts relating to the district schools in said city.'" Passed April 12, 1880; three-fifths being present.
- CHAP. 121.** An act appointing and directing the holding of a court of oyer and terminer in the county of Chemung. Passed April 15, 1880; three-fifths being present.
- CHAP. 122.** An act to amend section six of title four, chapter two, article one, part four of the Revised Statutes. Passed April 15, 1880.
- CHAP. 123.** An act in relation to arrears of taxes in the city of New York, and to provide for the reissuing of revenue bonds in anticipation of such taxes. Passed April 15, 1880; three-fifths being present.
- CHAP. 124.** An act to allow the Fonda, Johnstown and Gloversville Railroad Company to purchase the Gloversville and Northville railroad and the franchises of said company. Passed April 15, 1880.
- CHAP. 125.** An act to authorize the railroad commissioners of the town of Lowville, in Lewis county, to take up certain bonds which, under chapter fourteen, section four

of laws of eighteen hundred and seventy-two, may be taken up, and to issue others in place of said bonds at a lower rate of interest. Passed April 19, 1880; three-fifths being present.

CHAP. 126. An act authorizing the trustees of the village of Saratoga Springs to purchase hose for the use of the fire department of said village. Passed April 19, 1880; three-fifths being present.

CHAP. 127. An act to amend chapter one hundred and four of the laws of eighteen hundred and seventy-seven, entitled "An act to authorize the treasurer of Monroe county to sell property for unpaid taxes." Passed April 19, 1880; three-fifths being present.

CHAP. 128. An act to authorize the town of Madrid, in the county of St. Lawrence, to borrow money for the completion of the water-works in the village of Madrid, and for other purposes. Passed April 19, 1880; three-fifths being present.

CHAP. 129. An act to organize a fire department in the village of Madrid, St. Lawrence county, New York. Passed April 19, 1880; three-fifths being present.

CHAP. 130. An act to legalize and authorize the town of Mount Pleasant, in the county of Westchester, to raise money to pay the estate of John O'Keefe for loss sustained by said John O'Keefe, as collector, by depositing the town funds in the First National Bank of Tarrytown. Passed April 19, 1880; three-fifths being present.

CHAP. 131. An act to provide for the refunding of a portion of the bonded debt of the town of Westchester, in the county of Westchester, and to restrict the power of the town officers to bond the said town, except as provided in chapter one hundred and ninety-three of the laws of eighteen hundred and seventy-seven. Passed April 19, 1880; three-fifths being present.

CHAP. 132. An act to alter and define the limits and boundaries of the first and third judicial districts of the city of New York, and to provide for the election of justices therein. Passed April 19, 1880; three-fifths being present.

CHAP. 133. An act to amend sections nine and twenty-eight of chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same." Passed April 19, 1880.

CHAP. 134. An act to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs." Passed April 19, 1880.

CHAP. 135. An act to simplify the proof of the Sanitary Code in the city of New York. Passed April 19, 1880; three-fifths being present.

CHAP. 136. An act to incorporate the American Jersey Cattle Club for improving the breeding of Jersey cattle in the United States. Passed April 19, 1880.

CHAP. 137. An act to repeal chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-eight, entitled "An act to repeal chapter four hundred and sixteen of the laws of eighteen hundred and seventy-six, entitled 'An act to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to Ulster county.''" Passed April 19, 1880; three-fifths being present.

CHAP. 138. An act making an appropriation to continue the work on the new capitol building. Passed April 20, 1880; three-fifths being present.

CHAP. 139. An act concerning the manufacture of salt and the inspection thereof. Passed April 21, 1880; three-fifths being present.

CHAP. 140. An act to place and maintain shareholders of State banks, in the assessment and taxation of their shares of stock, upon an equality with shareholders of national banks. Passed April 21, 1880; three-fifths being present.

CHAP. 141. An act making appropriation for the support of government. Passed April 22, 1880; by a two-thirds vote.

- CHAP. 142.** An act to ascertain the citizens of the several towns in any county of this state having a population of over three hundred thousand according to the last census, who shall be entitled to the right of suffrage therein. Passed April 22, 1880; three-fifths being present.
- CHAP. 143.** An act for the better security of mechanics, laborers and others who perform labor or furnish materials for buildings and other improvements on land in the city of Buffalo. Passed April 22, 1880; three-fifths being present.
- CHAP. 144.** An act to amend section five, title three of chapter two hundred and ninety-one, laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages." Passed April 22, 1880; three-fifths being present.
- CHAP. 145.** An act to amend section one of chapter four hundred and ninety-eight of the laws of eighteen hundred and seventy-two, entitled "An act for the protection of livery-stable keepers and other persons keeping horses at livery or pasture." Passed April 22, 1880; three-fifths being present.
- CHAP. 146.** An act in relation to the indebtedness of the towns of Attica and Java, in the county of Wyoming. Passed April 23, 1880; three-fifths being present.
- CHAP. 147.** An act to provide for the relief of the city of Rochester and the New York Central and Hudson River Railroad Company in said city. Passed April, 23, 1880; three-fifths being present.
- CHAP. 148.** An act to authorize the water commissioners of the city of Watertown to borrow money for more fully supplying said city with water, and to issue bonds founded upon the credit of said city for the payment of such loan. Passed April 24, 1880; three-fifths being present.
- CHAP. 149.** An act amending the Code of Civil Procedure. Passed April 26, 1880; three-fifths being present.
- CHAP. 150.** An act to authorize the treasurer of Orleans county to sell property for unpaid taxes. Passed April 26, 1880; three-fifths being present.
- CHAP. 151.** An act to amend chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-seven, entitled "An act to confer the powers of harbor-masters on the police patrolmen detailed to certain docks and piers in said city, by the board of commissioners of police and excise of the city of Brooklyn." Passed April 26, 1880; three-fifths being present.
- CHAP. 152.** An act to change the time of election of directors of the Germania Fire Insurance Company, located in the city of New York. Passed April 26, 1880.
- CHAP. 153.** An act extending the time for collecting taxes in the town of Moriah, county of Essex. Passed April 27, 1880; three-fifths being present.
- CHAP. 154.** An act in relation to the sheriff of the city and county of New York. Passed April 27, 1880; three-fifths being present.
- CHAP. 155.** An act to facilitate the carrying out of plans and agreements for the reorganization of railroads. Passed April 27, 1880.
- CHAP. 156.** An act to extend the time for the collection of taxes in the town of Cortland, in the county of Westchester. Passed April 27, 1880; three-fifths being present.
- CHAP. 157.** An act in relation to assessments for taxes in the village of Ellenville. Passed April 27, 1880; three-fifths being present.
- CHAP. 158.** An act to authorize and direct the commissioner of highways of the town of Kinderhook to protect and secure a certain highway in said town against the encroachments of the Kinderhook creek. Passed April 28, 1880; three-fifths being present.
- CHAP. 159.** An act to facilitate the erection of a new building by the New York Produce Exchange in the city of New York by authorizing the closing of Marketfield street, and the sale of a lot of land and building on Stone street in said city, the property of the mayor, aldermen and commonalty of the city of New York. Passed April 28, 1880; by a two-third vote.
- CHAP. 160.** An act to amend chapter twenty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to limit the term of office of notaries public." Passed May 3, 1880; three-fifths being present.

- CHAP. 161.** An act conferring upon the board of canal appraisers the power to allow amendments to claims. Passed May 4, 1880; three-fifths being present.
- CHAP. 162.** An act to authorize and direct the board of supervisors of Kings county to make suitable provisions to reimburse Walter L. Livingston for all legitimate costs, counsel fees and expenses which have been incurred by him in and about a certain action of quo warranto brought against him to oust him from the office of surrogate of the county of Kings. Passed May 4, 1880; three-fifths being present.
- CHAP. 163.** An act to provide for the construction, care and maintenance of the bridges over the Bronx river, between the city and county of New York and the county of Westchester. Passed May 3, 1880; three-fifths being present.
- CHAP. 164.** An act to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State commissioner in lunacy." Passed May 4, 1880; three-fifths being present.
- CHAP. 165.** An act to enable the town of Newtown, in Queens county, to fund a portion of its bonded debt at a reduced rate of interest. Passed May 4, 1880; three-fifths being present.
- CHAP. 166.** An act to amend chapter seven hundred and seventy-seven of the laws of eighteen hundred and seventy, entitled "An act to incorporate the village of Walden, in the county of Orange." Passed May 4, 1880; three-fifths being present.
- CHAP. 167.** An act to amend section three of chapter one hundred and seventy-six, entitled "An act supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies,'" and the acts supplemental thereto. Passed May 4, 1880.
- CHAP. 168.** An act to amend chapter nine hundred and two of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize life insurance companies to make special deposits of securities in the insurance department, and to authorize the superintendent of said department to require special reports of such companies, passed April twenty-fourth, eighteen hundred and sixty-seven, and also to provide for the appointment of receivers of such depositing companies in certain cases.'" Passed May 5, 1880.
- CHAP. 169.** An act to amend chapter eight hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act to amend and reduce to one act the several acts relating to buildings, and the keeping and storage of combustible materials in the city of New York." Passed May 5, 1880; three-fifths being present.
- CHAP. 170.** An act to provide for the compilation and revision of the laws of the State of New York affecting banks, banking and trust companies. Passed May 5, 1880; three-fifths being present.
- CHAP. 171.** An act to establish the quorum of the local board of the Brockport normal and training school. Passed May 5, 1880.
- CHAP. 172.** An act to amend section ninety of chapter four hundred and forty-seven of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of villages." Passed May 5, 1880; three-fifths being present.
- CHAP. 173.** An act conferring jurisdiction on the canal appraisers to determine the amount of damages to which the Port Byron school district in the town of Mentz, in the county of Cayuga, is entitled to by reason of certain acts of this State. Passed May 5, 1880; three-fifths being present.
- CHAP. 174.** An act in relation to the duties of the supervisor for the town of Saratoga Springs. Passed May 5, 1880; three-fifths being present.
- CHAP. 175.** An act conferring additional powers upon boards of supervisors for the laying out highways through unoccupied and unimproved tracts of land. Passed May 5, 1880; three-fifths being present.
- CHAP. 176.** An act concerning tramps. Passed May 5, 1880; three-fifths being present.
- CHAP. 177.** An act for the division of the town of Tompkins, in the county of Delaware, and for the erection of a new town from the western portion thereof. Passed May 6, 1880; three-fifths being present.

- CHAP. 178.** An act supplemental to the Code of Civil Procedure. Passed May 6, 1880; three-fifths being present.
- CHAP. 179.** An act to authorize the comptroller to admit the unpaid taxes of the year eighteen hundred and seventy-nine, assessed upon lands in the several counties of the state which were bid in by the State at the tax sale of eighteen hundred and seventy-seven, and to which the State acquired title from said tax sale. Passed May 6, 1880; by a two-third vote.
- CHAP. 180.** An act to repeal section three of chapter three hundred and ninety-two of the laws of eighteen hundred and seventy-three, entitled "An act for the relief of the Corning library" and all acts amendatory thereof. Passed May 6, 1880.
- CHAP. 181.** An act to authorize the reception and treatment in Bellevue hospital of persons who do not reside in the city of New York. Passed May 6, 1880; three-fifths being present.
- CHAP. 182.** An act to authorize corporations formed for the erection of buildings to mortgage their property and franchises. Passed May 6, 1880; three-fifths being present.
- CHAP. 183.** An act to extend the time for the collection of taxes in the county of Richmond. Passed May 6, 1880; three-fifths being present.
- CHAP. 184.** An act to prevent the bribing and corrupting of officers of the Seneca Nation of Indians. Passed May 6, 1880; three-fifths being present.
- CHAP. 185.** An act to extend the time for the construction and completion of the Penn Yan and New York Railway Company. Passed May 6, 1880; by a two-third vote.
- CHAP. 186.** An act to repress and punish disorderly conduct on public conveyances. Passed May 6, 1880; three-fifths being present.
- CHAP. 187.** An act to amend chapter six hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the organization and regulation of certain business corporations." Passed May 6, 1880.
- CHAP. 188.** An act to amend chapter one hundred and twenty-five of the laws of eighteen hundred and eighty, entitled "An act to authorize the railroad commissioners of the town of Lowville in Lewis county, to take up certain bonds which, under chapter fourteen, section four, of laws of eighteen hundred and seventy-two, may be taken up, and to issue others in place of said bonds at a lower rate of interest." Passed May 7, 1880; three-fifths being present.
- CHAP. 189.** An act to amend chapter eight hundred and sixty-eight, of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the United States Loan and Security Company." Passed May 7, 1880.
- CHAP. 190.** An act to amend chapter three hundred and ninety-one of the laws of eighteen hundred and seventy-eight, entitled "An act authorizing the city of Binghamton to use a portion of the Chenango canal for a public street." Passed May 7, 1880; by a two-third vote.
- CHAP. 191.** An act to provide for the establishment and maintenance of a public market place for farmers and market gardeners, in the city of New York, for the acquisition of lands for this purpose, and for the regulation and management of the same. Passed May 7, 1880; three-fifths being present.
- CHAP. 192.** An act to incorporate "The German Masonic Temple Association of the city of New York." Passed May 7, 1880.
- CHAP. 193.** An act to incorporate the board of trustees of the fire department of the city of Troy. Passed May 7, 1880.
- CHAP. 194.** An act to authorize the board of supervisors of the county of Onondaga to borrow money by issuing the bonds of said county, and to provide for the payment of such bonds. Passed May 7, 1880; three-fifths being present.
- CHAP. 195.** An act in relation to the payment of assessments for local improvements in the city of New York. Passed May 7, 1880; three-fifths being present.
- CHAP. 196.** An act relinquishing title and jurisdiction to the United States over certain lands covered with water in the harbor of New York at Governor's, Bedloe's, Ellis'

and David's Islands, and Forts Lafayette, Hamilton, Wadsworth and Schuyler. Passed May 7, 1880; by a two-third vote.

CHAP. 197. An act to amend chapter seven of the laws of eighteen hundred and sixty-seven, entitled "An act to establish a board of education in and for the village school district of the town of Malone, in the county of Franklin, and for other purposes." Passed May 7, 1880; three-fifths being present.

CHAP. 198. An act to legalize and confirm the election of officers for the village of Macedon, in the county of Wayne. Passed May 7, 1880; three-fifths being present.

CHAP. 199. An act to provide for the registration of certain bonds in the city and county of New York. Passed May 7, 1880; three-fifths being present.

CHAP. 200. An act to authorize the appropriation of the moneys raised by the town of Otsego, in the county of Otsego, under chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, to pay moneys borrowed by the supervisor of said town and used to secure to said town the use of the Otsego county court-house building for town hall purposes. Passed May 7, 1880; three-fifths being present.

CHAP. 201. An act to release the interest of the people of the State of New York in and to certain real estate in the city of Troy, in the county of Rensselaer, of which Arthur Mooney died seized, to Mary Jane Mooney, his widow. Passed May 7, 1880; by a two-third vote.

CHAP. 202. An act in relation to the deposit of stocks in the bank department. Passed May 8, 1880; three-fifths being present.

CHAP. 203. An act to amend chapter two hundred and ninety of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the Blossburg Coal Company, the successors and assigns of the Bloss Coal mining and Railroad Company, a corporation organized and existing under the laws of the commonwealth of Pennsylvania, to hold real estate for the purposes of its business." Passed May 8, 1880.

CHAP. 204. An act to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the bonded indebtedness of villages, cities, towns and counties." Passed May 8, 1880; three-fifths being present.

CHAP. 205. An act to provide for the navigation of the waters of the Walkill creek in the county of Ulster by steamboats. Passed May 8, 1880.

CHAP. 206. An act to authorize the city of Utica to borrow money to pay certain debts therein. Passed May 8, 1880; three-fifths being present.

CHAP. 207. An act to legalize the action of the annual town meeting of the town of Johnstown, in the county of Fulton, held on the tenth and eleventh of February, eighteen hundred and eighty, in raising money for roads and bridges, and authorizing the collection thereof. Passed May 8, 1880; three-fifths being present.

CHAP. 208. An act to authorize the trustees of the Manlius Academy to transfer and convey their academic property to the board of education of union free school number six, in the town of Manlius, of the county of Onondaga. Passed May 8, 1880; three-fifths being present.

CHAP. 209. An act to prevent malicious annoyance. Passed May 8, 1880; three-fifths being present.

CHAP. 210. An act to provide for the dissolution of union free school districts in certain cases. Passed May 8, 1880; three-fifths being present.

CHAP. 211. An act to transfer the town of Berlin, in the county of Rensselaer, from the first to the second school commissioner district of said county, and the town of Brunswick in said county from the second to the first school commissioner district of said county. Passed May 8, 1880; three-fifths being present.

CHAP. 212. An act to provide for the election of a town treasurer in the town of Graveland, in the county of Kings, and to regulate and prescribe the duties of said officer. Passed May 8, 1880; three-fifths being present.

CHAP. 213. An act to ratify and confirm the agreement in relation to the boundary lines between the State of New York and State of Connecticut, entered into by commissioners on the part of said States. Passed May 8, 1880; three-fifths being present.

CHAP. 214. An act to regulate voting in the Western New York Agricultural Society. Passed May 8, 1880.

CHAP. 215. An act to amend chapter three hundred and seventy-six of the laws of eighteen hundred and seventy-six, as amended by chapter four hundred and fifty-six of the laws of eighteen hundred and seventy-nine, entitled "An act to prevent the deposit of mud, earth, soil, ashes, or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof." Passed May 8, 1880; three-fifths being present.

CHAP. 216. An act to enable the Alanson Methodist Episcopal Church of the city of New York to transfer and convey certain real property. Passed May 8, 1880.

CHAP. 217. An act to amend chapter one hundred and twenty-one of the laws of eighteen hundred and thirty-five, entitled "An act to incorporate the Troy Young Men's Association." Passed May 8, 1880.

CHAP. 218. An act to amend chapter thirty-four of the laws of eighteen hundred and seventy-six, entitled "An act to provide for the payment of a portion or the whole of the bounty debt of the county of Greene, by issuing new bonds." Passed May 8, 1880; three-fifths being present.

CHAP. 219. An act further defining and limiting the powers and duties of the commissioners of the road formerly known as the Buffalo plankroad, in the county of Erie, and contracting said road. Passed May 8, 1880; three-fifths being present.

CHAP. 220. An act to amend chapter four hundred and seven of the laws of eighteen hundred and seventy-six, entitled "An act extending the powers of the trustees of the village of Canandaigua." Passed May 8, 1880; three-fifths being present.

CHAP. 221. An act to legalize the official acts of certain justices of the peace, and authorizing justices of the peace to execute and file official bonds. Passed May 8, 1880; three-fifths being present.

CHAP. 222. An act to enable marine insurance companies incorporated under the laws of this State to amend their charter. Passed May 8, 1880.

CHAP. 223. An act for the better protection of the traveling public. Passed May 8, 1880; three-fifths being present.

CHAP. 224. An act to amend chapter three hundred and sixty-five of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the city of Lockport," and the acts amendatory thereof. Passed May 8, 1880; three-fifths being present.

CHAP. 225. An act to authorize the exchange of preferred stock for common stock of corporations. Passed May 8, 1880.

CHAP. 226. An act to amend chapter three hundred and thirty-one of the laws of one thousand eight hundred and forty-six, entitled "An act to incorporate the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States of America." Passed May 8, 1880; by a two-third vote.

CHAP. 227. An act to amend chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America," and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last-mentioned corporation." Passed May 8, 1880; three-fifths being present.

CHAP. 228. An act to amend chapter three hundred and sixty-five of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the New York Cotton Exchange." Passed May 8, 1880.

CHAP. 229. An act to amend section three of chapter three hundred and twelve of the laws of eighteen hundred and thirty-eight, entitled "An act to appoint trustees of the Jones fund for the support of the poor of the towns of Oyster Bay and North Hempstead, in the county of Queens." Passed May 8, 1880; three-fifths being present.

- CHAP. 230.** An act to amend chapter three hundred and forty of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the repaving of streets in the city of Syracuse, and to amend the charter of said city." Passed May 8, 1880; three-fifths being present.
- CHAP. 231.** An act to amend title four, chapter six, part second of the Revised Statutes, relating to the powers and duties of executors and administrators in relation to the sale and disposition of the real estate of their testator or intestate. Passed May 8, 1880.
- CHAP. 232.** An act to amend chapter fifty-three of the laws of eighteen hundred and seventy-nine, entitled "An act to revise the charter of the city of Auburn." Passed May 8, 1880; three-fifths being present.
- CHAP. 233.** An act to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers." Passed May 8, 1880; three-fifths being present.
- CHAP. 234.** An act to amend chapter four hundred and fifty-eight of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter eight hundred and seven of the laws of eighteen hundred and seventy-three, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein.'" Passed May 8, 1880; three-fifths being present.
- CHAP. 235.** An act in relation to the payment of costs on arrest, trial and punishment for crimes and misdemeanors in villages, and in relation to the civil jurisdiction of police justices therein. Passed May 8, 1880; three-fifths being present.
- CHAP. 236.** An act creating a board of town auditors in the town of Newtown, Queens county, and prescribing their powers and duties. Passed May 8, 1880; three-fifths being present.
- CHAP. 237.** An act to amend chapter seven hundred and eighty of the laws of eighteen hundred and sixty-eight, entitled "An act in relation to a system of sewerage in and for the city of Syracuse." Passed May 8, 1880; three-fifths being present.
- CHAP. 238.** An act to fix and regulate the rates of toll on the Overlook Turnpike Company, in the counties of Ulster and Greene. Passed May 8, 1880.
- CHAP. 239.** An act to authorize the collector or receiver of taxes for the town of Liberty, in Sullivan county, to renew his bond and to extend the time for receiving and collecting the unpaid taxes in said town. Passed May 8, 1880.
- CHAP. 240.** An act to repeal chapter three hundred and six of the laws of eighteen hundred and sixty-six, entitled "An act for the protection of the planting of oysters in the towns of Islip and Huntington, county of Suffolk, New York," and chapter six hundred and sixty-six of the laws of eighteen hundred and seventy-two, amendatory of said act, so far as said acts may be applicable to the present town of Huntington, in said county. Passed May 8, 1880; three-fifths being present.
- CHAP. 241.** An act to amend chapter two hundred and ninety of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled 'An act to amend an act, passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act, passed February seventeenth, eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" passed April twentieth, eighteen hundred and seventy-one, and to legalize the formation and acts of certain corporations formed according to the provisions of chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-seven. Passed May 8, 1880.
- CHAP. 242.** An act to amend chapter one hundred and forty-two of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and twenty-five of the laws of eighteen hundred and forty-two, entitled 'An act to condense and amend the several acts relating to the village of Albion,'" and the several acts amendatory thereof. Passed May 8, 1880; three-fifths being present.

- CHAP. 243.** An act to amend section three of title two of chapter five hundred and ten of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act, entitled 'An act to incorporate the village of Flushing,' passed April fifteenth, eighteen hundred and thirty-seven, and the several acts amendatory thereof, passed March twentieth, eighteen hundred and fifty-seven." Passed May 8, 1880; three-fifths being present.
- CHAP. 244.** An act in relation to the overseers of the poor of the town of Flushing, Queens county. Passed May 8, 1880; three-fifths being present.
- CHAP. 245.** An act repealing certain acts and parts of acts. Passed May 10, 1880.
- CHAP. 246.** An act supplementary to chapter three hundred and sixty-eight of the laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social or recreative purposes." Passed May 11, 1880.
- CHAP. 247.** An act to amend chapter six hundred and thirteen of the laws of eighteen hundred and sixty-seven, entitled "An act in confirmation of the conveyance of lands to the Queens County Agricultural Society, and extending the powers of the officers of said Society." Passed May 11, 1880.
- CHAP. 248.** An act to authorize a tax of thirty-four one-hundredths of a mill, per dollar of valuation, to provide for a deficiency in the sinking fund under article seven, section three of the constitution. Passed May 11, 1880; three-fifths being present.
- CHAP. 249.** An act to authorize the sale of the stock held by the city of Rome in the Rome and Clinton Railroad Company, and to authorize the application of the proceeds to the payment of the bonds of said city issued in payment for said stock. Passed May 11, 1880; three-fifths being present.
- CHAP. 250.** An act to release and convey to Emily Wundus the interest of the people of the State of New York in certain real estate in the city of Lockport. Passed May 11, 1880; by a two-third vote.
- CHAP. 251.** An act making appropriations for the payment of the principal and interest of the canal debt for the fiscal year commencing on the first day of October, one thousand eight hundred and eighty. Passed May 11, 1880; three-fifths being present.
- CHAP. 252.** An act to provide for the construction of fishways in the state dams across the Oswego, Oneida and Seneca rivers. Passed May 11, 1880; three-fifths being present.
- CHAP. 253.** An act to incorporate the "Männer Gesang Verein Eichenkranz." Passed May 11, 1880.
- CHAP. 254.** An act to exempt certain corporations from the provisions of sections five, six and eight, title four, chapter eighteen, part one of the Revised Statutes, entitled "special provisions relating to certain corporations." Passed May 11, 1880.
- CHAP. 255.** An act to amend chapter two hundred and seventy-one of the laws of eighteen hundred and thirty-four, entitled "An act for establishing a justices' court in the city of Troy," and the several acts amendatory thereof and supplemental thereto, and also to amend chapter fifty-six of the laws of eighteen hundred and forty-eight, entitled "An act to provide for the election of the justices and the clerk of the justices' court in and for the city of Troy, and the appointment of a marshal, and the several acts amendatory thereof and supplemental thereto, and also to amend chapter eighteen of the laws of eighteen hundred and seventy-six, entitled An act in relation to the police court and justices' court of the city Troy." Passed May 11, 1880; three-fifths being present.
- CHAP. 256.** An act in relation to and reducing the number of justices of the peace, creating judicial districts and providing for local inferior courts in the city of Brooklyn. Passed May 12, 1880; three-fifths being present.
- CHAP. 257.** An act to amend chapter three hundred and sixty-three of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the regrading and paving of Grand street, from Union avenue to Bushwick avenue, in the city of Brooklyn, with Belgian pavement." Passed May 12, 1880; three-fifths being present.
- CHAP. 258.** An act to reappropriate certain moneys in the treasury for the improvement of the Champlain canal and of the Glen's Falls feeder. Passed May 12, 1880; three-fifths being present.

CHAP. 259. An act to secure the registration of the births of children of residents of the city of New York, and the births of children which failed to be recorded through the neglect of the physician or other medical attendant present at such birth, occurring during the temporary absence from such city of the parents of such children, and respecting transcripts of the records. Passed May 12, 1880; three-fifths being present.

CHAP. 260. An act to amend chapter thirty-six of the laws of eighteen hundred and sixty-two, entitled "An act to enable the electors of the town of Johnstown to vote by districts for town officers." Passed May 12, 1880; three-fifths being present.

CHAP. 261. An act to amend chapter six hundred and thirty-nine of the laws of eighteen hundred and sixty-eight, entitled "An act to amend the act incorporating the village of Phoenix, in the county of Oswego." Passed May 12, 1880; three-fifths being present.

CHAP. 262. An act in relation to the village of Potsdam. Passed May 12, 1880; three-fifths being present.

CHAP. 263. An act for the protection of corporations organized for generating and distributing steam for heating and other purposes. Passed May 12, 1880; three-fifths being present.

CHAP. 264. An act to authorize the Buffalo City Cemetery Association to acquire additional land and to erect a building for office purposes. Passed May 12, 1880.

CHAP. 265. An act to enable the respective towns in the county of Rensselaer to reduce the number of its town officers. Passed May 12, 1880; three-fifths being present.

CHAP. 266. An act to amend chapter seven hundred and sixty-three of the laws of eighteen hundred and seventy-two, entitled "An act to amend the charter of the village of Saratoga Springs." Passed May 12, 1880; three-fifths being present.

CHAP. 267. An act authorizing individuals, joint-stock associations or corporations engaged in the manufacture of railroad cars to lay down and maintain railroad tracks connecting their manufacturing establishments with existing railroads. Passed May 12, 1880.

CHAP. 268. An act to amend chapter four hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Hamilton, in the county of Madison, and to repeal its present charter," as amended by chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-seven. Passed May 12, 1880; three-fifths being present.

CHAP. 269. An act to provide for the review and correction of illegal, erroneous or unequal assessments. Passed May 12, 1880; three-fifths being present.

CHAP. 270. An act to establish the compensation of the county judge and the surrogate of Orange. Passed May 12, 1880; three-fifths being present.

CHAP. 271. An act to amend chapter five hundred and nineteen of the laws of eighteen hundred and seventy, entitled "An act to amend the charter of the city of Buffalo." Passed May 12, 1880; three-fifths being present.

CHAP. 272. An act appropriating money for the payment of sums due to contractors for new work and extraordinary repairs on the canals, and to pay the certificates and drafts issued therefor. Passed May 12, 1880; three-fifths being present.

CHAP. 273. An act to amend chapter two hundred and sixty of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Coxsackie." Passed May 12, 1880; three-fifths being present.

CHAP. 274. An act to authorize Long Island City to issue bonds or certificates of indebtedness to an amount not exceeding fifty per centum of sums due for arrears of taxes. Passed May 12, 1880; three-fifths being present.

CHAP. 275. An act to provide for the collection of unpaid city taxes and local assessments in the city of Buffalo. Passed May 12, 1880; three-fifths being present.

CHAP. 276. An act to amend chapter two hundred and fifty-one of the laws of eighteen hundred and fifty-seven, entitled "An act to amend and consolidate the charter of the village of Le Roy." Passed May 12, 1880; three-fifths being present.

CHAP. 277. An act to amend chapter two hundred and seventeen of the laws of eighteen hundred and seventy-five, entitled "An act relative to the Farmer's Loan and Trust Company." Passed May 13, 1880.

CHAP. 278. An act to amend chapter four hundred and three of the laws of eighteen hundred and seventy-nine, entitled "An act to prevent certain abuses upon the canals of this State." Passed May 13, 1880; three-fifths being present.

CHAP. 279. An act to authorize Keeseville union free school district number one of the towns of Ausable and Chesterfield to borrow money and issue bonds or certificates of indebtedness for the building and furnishing of a new school building and the purchase of a site therefor. Passed May 13, 1880; three-fifths being present.

CHAP. 280. An act authorizing the board of trustees of school district number three of the town of New Lots, in the county of Kings, to issue bonds to the amount of ten thousand dollars to refund or pay a like amount of bonds issued by said board of trustees for the erection of a school-house in pursuance of chapter one hundred and ninety-one of the laws of eighteen hundred and seventy. Passed May 13, 1880; three-fifths being present.

CHAP. 281. An act authorizing the commissioners of the several towns and cities of the counties of Cayuga, Tompkins, Cortland and Tioga to sell stock of Southern Central Railroad with which to pay the bonded indebtedness of such towns and cities. Passed May 13, 1880; three-fifths being present.

CHAP. 282. An act for the preservation of lobsters. Passed May 5, 1880; three-fifths being present.

CHAP. 283. An act to amend chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-two, entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," is hereby amended so as to read as follows. Passed May 13, 1880; three-fifths being present.

CHAP. 284. An act to provide for the creation of a board of charities and corrections of the county of Kings, and for the appointment of the commissioners thereof and their subordinates. Passed May 13, 1880; three-fifths being present.

CHAP. 285. An act to provide for repairing or rebuilding and enlarging the city hall in the city of Albany, for the use of said city and the use of the county of Albany, and to provide means for the payment therefor. Passed May 13, 1880; three-fifths being present.

CHAP. 286. An act for the relief of the town of Somerset, to abolish the office of railroad commissioner of said town, and to enable it to adjust its indebtedness and issue bonds therefor. Passed May 13, 1880; three-fifths being present.

CHAP. 287. An act to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs." Passed May 14, 1880; three-fifths being present.

CHAP. 288. An act further to amend chapter one hundred and thirty-one of the laws of eighteen hundred and fifty-five, entitled "An act to incorporate the trustees of the church erection fund of the general assembly of the Presbyterian church in the United States of America." Passed May 14, 1880.

CHAP. 289. An act to amend chapter one hundred and thirty-eight of the laws of eighteen hundred and eighty, entitled "An act making an appropriation to continue the work on the new capitol building." Passed May 14, 1880; three-fifths being present.

CHAP. 290. An act to permit and authorize the city of Albany to issue the bonds of said city for the payment of the expense of draining, grading, forming, paving and flagging a portion of South Pearl street in the city of Albany, and to extend the time of payment of the assessments therefor. Passed May 14, 1880; three-fifths being present.

CHAP. 291. An act for grading and planking Delaware avenue, in the city of Albany,

from the north line of Warren street to the division line between the city of Albany and the town of Bethlehem, and to provide for the payment of the same. Passed May 14, 1880; three-fifths being present.

CHAP. 292. An act further to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," and the acts amendatory thereof. Passed May 14, 1880; three-fifths being present.

CHAP. 293. An act to incorporate the Temple Beth Zion of Buffalo, New York. Passed May 14, 1880.

CHAP. 294. An act further to amend chapter four hundred and forty-nine of the laws of eighteen hundred and fifty-three, entitled "An act to amend the act incorporating the village of Attica, passed May second, eighteen hundred and thirty-seven, to alter the bounds and to enlarge the powers of the corporation of said village." Passed May 14, 1880; three-fifths being present.

CHAP. 295. An act to authorize the supervisor of the town of Attica, in Wyoming county, to purchase lots of the Attica cemetery association, and to remove to and reinter therein, the bodies now remaining in the old burial ground, in the village of Attica, to sell said old burial ground, and to defray the expenses of removing the bodies therefrom and reintering the same in new grounds. Passed May 14, 1880; three-fifths being present.

CHAP. 296. An act releasing all the right, title and interest of the people of the State of New York in and to certain tracts or parcels of land to Peter M. Biegen. Passed May 15, 1880.

CHAP. 297. An act appropriating money to pay certain awards made by the canal appraisers, and the interest thereon, and to pay counsel and witnesses employed and subpoenaed in behalf of the State. Passed May 15, 1880; three-fifths being present.

CHAP. 298. An act to protect the rights of citizens of this State owning and holding claims against other States. Passed May 15, 1880.

CHAP. 299. An act to amend chapter one hundred and fifty of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the city of Kingston." Passed May 15, 1880; three-fifths being present.

CHAP. 300. An act to amend chapter two hundred and forty-nine of the laws of eighteen hundred and seventy-nine, entitled "An act in relation to the acknowledgment by married women of deeds and other written instruments." Passed May 15, 1880.

CHAP. 301. An act to amend the Code of Civil Procedure. Passed May 15, 1880; three-fifths being present.

CHAP. 302. An act to authorize cities and incorporated villages to charge license fees to persons doing a retail business on the canals of this State. Passed May 15, 1880; three-fifths being present.

CHAP. 303. An act to authorize the sale of subdivision number fifteen of block number twenty-seven, in the third ward, and a part of subdivision eighteen of block number one hundred and forty-eight, in the sixth ward, of the city of Oswego. Passed May 15, 1880; three-fifths being present.

CHAP. 304. An act to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which George Johnson died seized to Catharine Johnson, his widow. Passed May 15, 1880; by a two-third vote.

CHAP. 305. An act to authorize and facilitate the construction and improvement of sidewalks in the streets of unincorporated villages, and the application of highway labor thereto. Passed May 15, 1880; three-fifths being present.

CHAP. 306. An act to amend chapter six hundred and twenty-eight of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Nassau in the county of Rensselaer." Passed May 15, 1880; three-fifths being present.

CHAP. 307. An act to amend chapter seventy of the laws of eighteen hundred and fifty-

eight, entitled "An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare the said village a separate road district," and also, to amend chapter five hundred and fifty-six of the laws of eighteen hundred and sixty-eight, entitled "An act to amend the charter of the village of Olean," and supplemental thereto. Passed May 15, 1880; three-fifths being present.

CHAP. 308. An act to amend chapter sixteen of part one of the Revised Statutes, in relation to highways and bridges. Passed May 15, 1880; three-fifths being present.

CHAP. 309. An act to confirm the official acts of James S. Williams, Endelmer E. Moon and Theodore S. Cowels, commissioners of excise in and for the town of Tully, in the county of Onondaga. Passed May 15, 1880.

CHAP. 310. An act to incorporate the fire department of the village of Waterloo. Passed May 15, 1880; three-fifths being present.

CHAP. 311. An act in relation to the Rochester and Lake Ontario Railway Company, to confirm its present route and authorize said company to hold and improve the real estate now held and owned by said company. Passed May 17, 1880.

CHAP. 312. An act to confirm the title of Frederick J. Buchenberger to certain real estate in the city of Brooklyn purchased by him from the Centenary Universalist Sunday School Society of Brooklyn. Passed May 17, 1880.

CHAP. 313. An act to release to Louisa Dodge, Charles Dodge, Edward Dodge, William J. Dodge and Elizabeth King, wife of William King, the interest of the people of the State of New York in and to certain real estate in the village of Gloversville, county of Fulton, of which Charles Dodge died seized. Passed May 17, 1880; by a two-third vote.

CHAP. 314. An act to exempt Fulton county from the provisions and operations of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties." Passed May 18, 1880; three-fifths being present.

CHAP. 315. An act to confirm and legalize the acts of the commissioner of highways of the town of Boonville, in building a bridge across Black river near Crandall's mill, in eighteen hundred and seventy-nine, and to confirm and legalize the acts of the town auditors of said town in auditing the bills for the expense thereof. Passed May 18, 1880; three-fifths being present.

CHAP. 316. An act establishing the salary of the deputy comptroller. Passed May 18, 1880; three-fifths being present.

CHAP. 317. An act to transfer to Cornell University the securities, moneys and contracts constituting and relating to the Cornell endowment fund. Passed May 18, 1880; three-fifths being present.

CHAP. 318. An act to amend chapter four hundred and ten of the laws of eighteen hundred and seventy-eight entitled "An act to improve Flushing avenue, Long Island City." Passed May 18, 1880; three-fifths being present.

CHAP. 319. An act to amend chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn and the various amendments thereof." Passed May 18, 1880; three-fifths being present.

CHAP. 320. An act to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors." Passed May 18, 1880; three-fifths being present.

CHAP. 321. An act to amend chapter five hundred and eighty-nine of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the Chateaugay Waterworks Company." Passed May 18, 1880; three-fifths being present.

CHAP. 322. An act to establish a State board of health. Passed May 18, 1880; three-fifths being present.

- CHAP. 323.** An act in relation to Fourth avenue in the city of Brooklyn. Passed May 18, 1880; three-fifths being present.
- CHAP. 324.** An act to amend chapter three hundred and sixty of the laws of eighteen hundred and sixty-seven, entitled "An act to amend and consolidate the several acts in relation to the village of Rhinebeck." Passed May 19, 1880; three-fifths being present.
- CHAP. 325.** An act to establish a cemetery in the town of Long Lake, Hamilton county. Passed May 19, 1880; three-fifths being present.
- CHAP. 326.** An act relating to the banks and prism of the Genesee Valley canal and for the sale thereof. Passed May 19, 1880; by a two-third vote.
- CHAP. 327.** An act in relation to taxes and assessments levied prior to January first, eighteen hundred and seventy-four, in the towns annexed from the county of Westchester to the city of New York. Passed May 19, 1880; three-fifths being present.
- CHAP. 328.** An act to establish and maintain a police force in the city of Troy. Passed May 20, 1880; three-fifths being present.
- CHAP. 329.** An act to establish a board of fire commissioners for the village of West Troy, in the county of Albany. Passed May 20, 1880; three-fifths being present.
- CHAP. 330.** An act to amend chapter nine hundred and eighteen of the laws of eighteen hundred and seventy-one, entitled "An act to amend the charter of the city of Cohoes." Passed May 20, 1880; three-fifths being present.
- CHAP. 331.** An act to repeal chapter two hundred and eighty-one of the laws of eighteen hundred and seventy-six, entitled "An act to amend an act entitled 'An act to provide for a supply of water in the village of Cohoes,'" and also section two of chapter two hundred and seventy-five of the laws of eighteen hundred and seventy, entitled "An act to amend an act entitled 'An act to provide for a supply of water in the village of Cohoes.'" Passed May 20, 1880; three-fifths being present.
- CHAP. 332.** An act to amend chapter thirty of the laws of eighteen hundred and eighty, entitled "An act to amend chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, entitled 'An act to amend an act to incorporate the city of Troy, passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy and supplemental thereto.'" Passed May 20, 1880; three-fifths being present.
- CHAP. 333.** An act to further amend section two of chapter one hundred and thirty-nine of the laws of eighteen hundred and seventy, as amended by chapter four hundred and two of the laws of eighteen hundred and seventy-seven, entitled "An act to annex parts of the towns of Bethlehem and Watervliet, in the county of Albany, to the city of Albany, and to exempt such parts thereof from certain taxes and to annex a part of the city of Albany to the town of Watervliet." Passed May 20, 1880; three-fifths being present.
- CHAP. 334.** An act in relation to the keeping open of the offices of the register, county clerk and county treasurer of the county of Westchester. Passed May 20, 1880.
- CHAP. 335.** An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester, and to consolidate therewith the several acts in relation to the charter of said city," as amended by chapter fourteen, laws of eighteen hundred and eighty. Passed May 21, 1880; three-fifths being present.
- CHAP. 336.** An act supplemental to chapter one hundred and ninety-four of the laws of eighteen hundred and forty-nine, entitled "An act to vest in the board of supervisors certain legislative powers, and to prescribe their fees for certain services," and to repeal chapter five hundred and ninety-seven of the laws of eighteen hundred and seventy, amendatory of said act. Passed May 20, 1880; three-fifths being present.
- CHAP. 337.** An act to amend chapter one hundred and eighty-four of the laws of eighteen hundred and thirty-nine, entitled "An act in relation to trusts for the benefit of the meetings of the religious society of Friends." Passed May 20, 1880.
- CHAP. 338.** An act to amend chapter one hundred and seventy-eight of the laws of

eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to incorporate the village of Moravia, in the county of Cayuga, and to repeal existing laws incorporating said village, passed March fifteenth, eighteen hundred and fifty-nine.'" Passed May 20, 1880; three-fifths being present.

CHAP. 339. An act in relation to assessments for taxes in Long Island City. Passed May 20, 1880; three-fifths being present.

CHAP. 340. An act to provide for the settlement of the boundary lines between the State of New York and the States of Pennsylvania and New Jersey, respectively. Passed May 20, 1880; three-fifths being present.

CHAP. 341. An act to legalize the official acts of certain justices of the peace. Passed May 20, 1880.

CHAP. 342. An act to vest certain powers in "The President of the Kingston Board of Education, and the supervisor of the town of Ulster, formerly Kingston," and to facilitate the collection of taxes in the Kingston school district. Passed May 20, 1880; three-fifths being present.

CHAP. 343. An act to validate the certificate of incorporation, and to legalize the acts of the Walton Water Company. Passed May 20, 1880.

CHAP. 344. An act to establish a local court of civil jurisdiction in the city of Buffalo, to be called the municipal court of Buffalo, and to amend the charter of said city. Passed May 20, 1880; three-fifths being present.

CHAP. 345. An act to authorize the trustees of the village of Greene, Chenango county, to sell certain real estate owned and used by said village for the purposes of the fire department, and to purchase a new site and building for that purpose by and with the consent of a majority of the electors of such village. Passed May 20, 1880; three-fifths being present.

CHAP. 346. An act to authorize the investment of moneys applicable to the redemption and payment of the town of Westport, Essex county, New York, on real estate security. Passed May 20, 1880; three-fifths being present.

CHAP. 347. An act to provide for the reporting of appointments or commitments to the benevolent institutions of the State, excepting the county of Kings. Passed May 20, 1880; three-fifths being present.

CHAP. 348. An act concerning the grounds, buildings and property of the State provided for normal schools, the custody, protection and preservation of the same, and the powers of local boards in relation thereto. Passed May 20, 1880; three-fifths being present.

CHAP. 349. An act relating to leases of railroads and railroad property within this State. Passed May 21, 1880.

CHAP. 350. An act to authorize the city of Buffalo to issue its bonds for the purpose of increasing the water supply to its inhabitants. Passed May 21, 1880; three-fifths being present.

CHAP. 351. An act in relation to the county treasurers in the counties of Monroe and Seneca. Passed May 21, 1880.

CHAP. 352. An act to amend chapter two hundred and seventy of the laws of eighteen hundred and seventy-eight, entitled "An act reappropriating money for the payment of sums due to contractors for new work upon and extraordinary repairs of the canals. Passed May 21, 1880; three-fifths being present.

CHAP. 353. An act in relation to runners or solicitors of passengers or patronage for steamers, steamboats, ships, vessels, hotels, railroad or transportation companies in the city of New York. Passed May 21, 1880; three-fifths being present.

CHAP. 354. An act to amend chapter two hundred and eighty of the laws of eighteen hundred and forty-seven, entitled "An act in relation to the judiciary." Passed May 21, 1880; three-fifths being present.

CHAP. 355. An act relating to the Central New York Institution for Deaf Mutes, at Rome, New York. Passed May 21, 1880; three-fifths being present.

- CHAP. 356.** An act to amend chapter one hundred and eighty-eight of the laws of eighteen hundred and sixty-two, entitled "An act to incorporate the New York State Convention of Universalists," and to organize a missionary board, and define its powers and duties. Passed May 21, 1880; three-fifths being present.
- CHAP. 357.** An act authorizing the board of trustees of the village of Danforth to issue bonds for the purpose of building a school-house in said village, pursuant to a vote of its citizens at a special election held April tenth, eighteen hundred and eighty. Passed May 21, 1880; three-fifths being present.
- CHAP. 358.** An act to amend chapter two hundred and sixty-four of the laws of eighteen hundred and fifty-one, entitled "An act to amend the act entitled 'An act to incorporate the village of Bath, in the county of Steuben,'" and chapter eighty-one of the laws of eighteen hundred and fifty-two, and repealing chapter two hundred and forty-six of the laws of eighteen hundred and sixty-seven, and section two of chapter two hundred and ninety-one of the laws of eighteen hundred and sixty, and section two of chapter one hundred and two of the laws of eighteen hundred and seventy-five, and chapter three hundred and ninety of the laws of eighteen hundred and seventy-eight. Passed May 22, 1880; three-fifths being present.
- CHAP. 359.** An act authorizing the superintendent of public works to maintain that portion of the Genesee river feeder lying within the limits of the city of Rochester in such condition that it shall not be detrimental to the public health. Passed May 22, 1880; three-fifths being present.
- CHAP. 360.** An act to provide for the proper drainage of lands in the city of New York. Passed May 22, 1880; three-fifths being present.
- CHAP. 361.** An act to amend chapter two hundred and ninety-three of the laws of eighteen hundred and seventy-six, entitled "An act empowering the village of Wellsville to raise by tax a fund for the building of sidewalks." Passed May 22, 1880; three-fifths being present.
- CHAP. 362.** An act to provide for the formation of county co-operative insurance companies. Passed May 22, 1880.
- CHAP. 363.** An act to amend chapter four hundred and sixty-one of the laws of eighteen hundred and sixty-seven, entitled "An act for the support and relief of the poor and for the government of the poor department in the county of Erie," passed April nineteenth, eighteen hundred and sixty-seven. Passed May 22, 1880; three-fifths being present.
- CHAP. 364.** An act to authorize the payment of certain awards for damages caused by a change of grade on Prospect avenue, in the city of Brooklyn. Passed May 24, 1880; three-fifths being present.
- CHAP. 365.** An act to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors." Passed May 24, 1880; three-fifths being present.
- CHAP. 366.** An act to secure uniform ballots and preserve the purity of elections. Passed May 24, 1880; three-fifths being present.
- CHAP. 367.** An act for the better laying out and improving of that portion of the city of New York, between Tenth avenue and Avenue St. Nicholas and One Hundred and Thirty-eighth street continued, and the lands of the Academy of the Sacred Heart and One Hundred and Thirty-fifth street continued. Passed May 24, 1880; three-fifths being present.
- CHAP. 368.** An act to amend chapter seventy-seven of the laws of eighteen hundred and forty-six, entitled "An act to provide for the erection and establishment of a work-house in the county of Erie." Passed May 24, 1880; three-fifths being present.
- CHAP. 369.** An act to amend section two hundred and thirty-six of the Code of Civil Procedure. Passed May 25, 1880; three-fifths being present.
- CHAP. 370.** An act to prevent trespassing and intrusion upon railroad cars and engines. Passed May 25, 1880; three-fifths being present.

- CHAP. 371.** An act to incorporate "The Cathedral Chapter and Corporators of the Diocese of Western New York." Passed May 25, 1880.
- CHAP. 372.** An act relative to the village of Athens, in Greene county. Passed May 25, 1880.
- CHAP. 373.** An act relating to certain buildings erected for county purposes in the city and county of New York. Passed May 25, 1880; three-fifths being present.
- CHAP. 374.** An act to authorize the agent and warden of Clinton prison to make certain contracts for the benefit of the State. Passed May 25, 1880; three-fifths being present.
- CHAP. 375.** An act in relation to the grading of sidewalks and the laying of flagwalks in front of certain lots on Fourth avenue, in the late village of West Mount Vernon, now a part of the village of Mount Vernon, in the county of Westchester. Passed May 25, 1880; three-fifths being present.
- CHAP. 376.** An act to incorporate the Grand Lodge Knights of Pythias of the State of New York. Passed May 25, 1880.
- CHAP. 377.** An act in relation to the government of the city of Brooklyn. Passed May 25, 1880; three-fifths being present.
- CHAP. 378.** An act to enable the First Baptist Church of Auburn to convey certain real estate. Passed May 25, 1880.
- CHAP. 379.** An act to amend chapter four hundred and eighty-six of the laws of eighteen hundred and fifty-five, entitled "An act to amend the charter of the village of Horseheads, in Chemung county," and the several acts amendatory thereof, and to supplement new sections. Passed May 25, 1880; by a two-third vote.
- CHAP. 380.** An act to fix the salary of the town clerk and commissioner of highways of the town of Saugerties, Ulster county. Passed May 25, 1880; three-fifths being present.
- CHAP. 381.** An act to revive the Gypsum Cemetery Association of Ontario county. Passed May 25, 1880.
- CHAP. 382.** An act to repeal chapter four hundred and fifty of the laws of eighteen hundred and seventy-one, entitled "An act to provide for the extension of the Rondout and Oswego railroad to the east bank of the Hudson river and to establish a ferry over said river." Passed May 25, 1880.
- CHAP. 383.** An act to provide for the payment of certain assessments on property of the Bridge Street African Methodist Episcopal Church of the city of Brooklyn. Passed May 25, 1880; three-fifths being present.
- CHAP. 384.** An act to repeal section three of chapter six hundred and eighty-three of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the extension of the New York, Kingston and Syracuse railroad." Passed May 25, 1880; three-fifths being present.
- CHAP. 385.** An act to establish a ferry from the farm of Henry G. Burleigh, of the county of Essex, across Lake Champlain. Passed May 25, 1880.
- CHAP. 386.** An act to amend title one, chapter seventeen, part one of the Revised Statutes, entitled "of sales by auctioneers." Passed May 25, 1880; three-fifths being present.
- CHAP. 387.** An act to amend chapter two hundred and ninety one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages, as amended by chapter six hundred and twenty-eight of the laws of eighteen hundred and seventy-four, so far as said act relates to the village of Wolcott. Passed May 25, 1880; three-fifths being present.
- CHAP. 388.** An act to amend chapter two hundred and eighty-two of the laws of eighteen hundred and seventy-nine, entitled "An act to repeal chapter forty-three of the laws of eighteen hundred and seventy-one, entitled "An act to exempt the county of Westchester from the provisions of chapter eight hundred and eighty-eight of the laws of eighteen hundred and sixty-nine, entitled "An act to amend title sixteen, chapter eight, part three of the Revised Statutes, relative to proceedings for the drainage of

swamps, marshes and other low or wet lands, and for draining farm lands, passed May twelve, eighteen hundred and sixty-nine." Passed May 25, 1880; three-fifths being present.

CHAP. 389. An act to amend chapter two hundred and ninety-seven of the laws of eighteen hundred and sixty-two, entitled "An act to incorporate the fire department of the village of Owego." Passed May 25, 1880; three-fifths being present.

CHAP. 390. An act to amend chapter fifty-nine of the laws of one thousand eight hundred and sixty-one, entitled "An act to amend the charter of the Poughkeepsie and New Paltz Ferry Company." Passed May 25, 1880.

CHAP. 391. An act to amend chapter three hundred and fourteen of the laws of eighteen hundred and seventy-one, entitled "An act to amend the act entitled 'An act incorporating the New York Northern Railroad Company,' passed April twenty-eighth, eighteen hundred and sixty-six." Passed May 25, 1880; three-fifths being present.

CHAP. 392. An act relative to janitors in district courts in the city of New York. Passed May 26, 1880; three-fifths being present.

CHAP. 393. An act for the regulation of international exhibitions held under the supervision and auspices of the government of the United States, within the State of New York, and preventing seizure of articles and goods deposited on exhibition thereat. Passed May 26, 1880; three-fifths being present.

CHAP. 394. An act to release certain lands which have escheated to the State to Francis Marrin, the father of Francis Marrin, late of the village of Fairport, Monroe county, New York. Passed May 26, 1880; by a two-third vote.

CHAP. 395. An act to prevent interference with owners and captains of steamers engaged in the towing business. Passed May 26, 1880; three-fifths being present.

CHAP. 396. An act to amend chapter four hundred and nine of the laws of eighteen hundred and seventy-nine, entitled, "An act to extend the time for the organization of the Centennial Insurance Company of New York." Passed May 26, 1880.

CHAP. 397. An act to amend chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the formation of county and town co-operative insurance companies." Passed May 26, 1880.

CHAP. 398. An act to amend chapter one hundred and six of the laws of eighteen hundred and eighty, entitled "An act to repeal chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled 'An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York,' and to re-enact chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five." Passed May 26, 1880; three-fifths being present.

CHAP. 399. An act to further amend chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, entitled "An act for the regulation of tenement and lodging-houses in the cities of New York and Brooklyn," as amended by chapter five hundred and four of the laws of eighteen hundred and seventy-nine. Passed May 26, 1880; three-fifths being present.

CHAP. 400. An act making appropriations for the several judicial district libraries. Passed May 26, 1880; three-fifths being present.

CHAP. 401. An act to amend chapter two hundred and thirty one of the laws of eighteen hundred and seventy-two, entitled "An act to provide for supplying the village of Peekskill with water, and authorize the issue of bonds therefor, and to create a board of water commissioners," passed April sixteen, eighteen hundred and seventy-two, and the several acts amendatory thereof. Passed May 26, 1880; three-fifths being present.

CHAP. 402. An act to amend and consolidate an act entitled "An act to incorporate the village of Cambridge," passed April sixteenth, eighteen hundred and sixty-six, and the several acts amending and supplementing the same. Passed May 26, 1880; three-fifths being present.

- CHAP. 403. An act to amend chapter two hundred and four of the laws of eighteen hundred and sixty-four, entitled "An act to amend and consolidate the several acts relating to the village of Lansingburgh." Passed May 26, 1880; three-fifths being present.
- CHAP. 404. An act to legalize the action of the town meeting of the town of Dekalb, in St. Lawrence county, held February tenth, eighteen hundred and eighty, and the action of the board of town auditors of said town of Dekalb, had February nineteenth, eighteen hundred and eighty, in issuing a certificate of indebtedness of said town to Andrew Wight and Agnes Wight, for damages sustained by the falling of a bridge in said town, pursuant to a resolution passed at said town meeting. Passed May 26, 1880; three-fifths being present.
- CHAP. 405. An act to amend chapter two hundred and seventeen of the laws of eighteen hundred and sixty-five, entitled "An act to establish the office of receiver of taxes and assessments in the town of East Chester, in the county of Westchester, New York." Passed May 26, 1880; three-fifths being present.
- CHAP. 406. An act to incorporate the Grand Council of Royal Templars of Temperance of the State of New York, and to provide for the organization of select councils. Passed May 26, 1880.
- CHAP. 407. An act to legalize and confirm the action of the board of supervisors of the county of Ulster in the division of the town of Kingston, in said county, by erecting the town of Ulster therefrom, and attaching a portion thereof to the town of Woodstock, in said county. Passed May 26, 1880; three-fifths being present.
- CHAP. 408. An act to amend chapter seven hundred and seventy-four of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the fire department of the village of Watkins." Passed May 26, 1880; three-fifths being present.
- CHAP. 409. An act to incorporate Alert Hose Company, number three, of Medina, New York. Passed May 26, 1880; three-fifths being present.
- CHAP. 410. An act to release the interest of the people of this state in certain real estate of which Paul Pontau, late of the city of Brooklyn, county of Kings, died seized, to Nannette Johnson. Passed May 26, 1880; by a two-third vote.
- CHAP. 411. An act to incorporate the St. Joseph's Cemetery in the city of Auburn. Passed May 26, 1880; by a two-third vote.
- CHAP. 412. An act to amend chapter one hundred and fifty-seven of the laws of eighteen hundred and forty-four, entitled "An act to incorporate the village of Mohawk." Passed May 26, 1880; three-fifths being present.
- CHAP. 413. An act to amend chapter four hundred and forty-nine of the laws of eighteen hundred and seventy-one, entitled "An act authorizing the trustees of the village of College Point to issue bonds and borrow money for the erection of a school-house in said village, and to increase the school tax in said village." Passed May 26, 1880; three-fifths being present.
- CHAP. 414. An act to reduce the width of Riker avenue, in Long Island city, in the county of Queens, from one hundred and thirty feet to eighty feet. Passed May 26, 1880; three-fifths being present.
- CHAP. 415. An act in relation to street railroads. Passed May 26, 1880.
- CHAP. 416. An act to amend title three, chapter three, part four of the Revised Statutes, entitled "General provisions applicable to all the prisons treated of in this chapter." Passed May 26, 1880; three-fifths being present.
- CHAP. 417. An act to amend chapter six hundred and six of the laws of eighteen hundred and seventy-five, entitled "An act further to provide for the construction and operation of a steam railway or railways in the counties of this State." Passed May 26, 1880.
- CHAP. 418. An act to amend chapter two hundred and seventy-two of the laws of eighteen hundred and seventy-nine, entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations." Passed May 26, 1880; by a two-third vote.

- CHAP. 419.** An act establishing the compensation of the county clerks in the counties of Richmond and Franklin, in lieu of charges for all services rendered said counties. Passed May 26, 1880; three-fifths being present.
- CHAP. 420.** An act to amend chapter one hundred and twenty-three of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the Hudson Suspension Bridge and New England Railway Company." Passed May 20, 1880.
- CHAP. 421.** An act to legalize and confirm the action of the electors of the town of Wilmington, in the county of Essex. Passed May 26, 1880; three-fifths being present.
- CHAP. 422.** An act to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages;" also chapter eight hundred and seventy of the laws of eighteen hundred and seventy-one, entitled "An act to amend an act for the incorporation of villages." Passed May 26, 1880; three-fifths being present.
- CHAP. 423.** An act to amend chapter five, title two, part two of the Revised Statutes of the State of New York. Passed May 26, 1880.
- CHAP. 424.** An act to authorize the construction of a bridge over the Erie canal at Brockport, Monroe county. Passed May 26, 1880; three-fifths being present.
- CHAP. 425.** An act to amend chapter eight hundred and six of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the Fire Proof Warehousing Company." Passed May 26, 1880.
- CHAP. 426.** An act to amend chapter one hundred and twenty-six of the laws of eighteen hundred and sixty-one, entitled "An act to authorize the election of one overseer of the poor in the town of Saugerties, Ulster county." Passed May 26, 1880; three-fifths being present.
- CHAP. 427.** An act to amend chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies." Passed May 26, 1880.
- CHAP. 428.** An act further to regulate the admission to this State of fire and marine insurance companies from other countries than the United States. Passed May 27, 1880; three-fifths being present.
- CHAP. 429.** An act to regulate the use of intoxicating liquors in poor-houses, juvenile reformatories, protectories, houses of refuge, jails, penitentiaries and prisons. Passed May 27, 1880; three-fifths being present.
- CHAP. 430.** An act to release and grant the interest of the people of the State of New York in certain real estate in the city of Brooklyn, in the county of Kings, and State of New York to Mary Ryan. Passed May 27, 1880; by a two-third vote.
- CHAP. 431.** An act to amend section one of chapter seven hundred and ninety-two of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Port Richmond in the county of Richmond." Passed May 27, 1880; three-fifths being present.
- CHAP. 432.** An act supplementary to chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof." Passed May 27, 1880; three-fifths being present.
- CHAP. 433.** An act in relation to arrears of personal taxes in the city of New York. Passed May 27, 1880; three-fifths being present.
- CHAP. 434.** An act to authorize cities and incorporated villages to charge license fee to persons doing business on the canals of this State. Passed May 27, 1880; three-fifths being present.
- CHAP. 435.** An act to amend chapter five hundred and twenty-six of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-two, entitled 'An act for the protection of tax payers against the frauds, embezzlements and wrongful acts of public officers and agents.'" Passed May 27, 1880; three-fifths being present.

- CHAP. 436.** An act to establish a police department in the city of Buffalo, and to provide for the government thereof. Passed May 27, 1880; three-fifths being present.
- CHAP. 437.** An act to amend section sixteen of article third, chapter six, part first of the Revised Statutes. Passed May 27, 1880; three-fifths being present.
- CHAP. 438.** An act to legalize the official acts of the supervisor of the town of Eden, Erie county, performed instead of commissioners, provided for by chapter nine hundred and seven of the laws of eighteen hundred and sixty-nine. Passed May 27, 1880.
- CHAP. 439.** An act to amend chapter four hundred and fifteen of the laws of eighteen hundred and seventy-seven, entitled "An act for the protection of dairymen, and to prevent deception in sales of butter. Passed May 27, 1880; three-fifths being present.
- CHAP. 440.** An act to provide for the protection of mechanics and others. Passed May 27, 1880; three-fifths being present.
- CHAP. 441.** An act to amend chapter one hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to organize and establish a police for the city of Yonkers." Passed May 27, 1880; three-fifths being present.
- CHAP. 442.** An act to amend chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers." Passed May 27, 1880; three-fifths being present.
- CHAP. 443.** An act to regulate the appointment and compensation of janitors for the several armories in the county of Kings. Passed May 27, 1880; three-fifths being present.
- CHAP. 444.** An act to amend chapter three hundred and twenty of the laws of eighteen hundred and fifty-nine, entitled "An act to amend the incorporation of the village of Lancaster, in the county of Erie." Passed May 27, 1880; three-fifths being present.
- CHAP. 445.** An act to amend chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice, and civil proceedings." Passed May 27, 1880; three-fifths being present.
- CHAP. 446.** An act to confirm the official acts of George M. Briggs, Charles Forbes and George W. Brimmer, commissioners of excise in and for the town of Broadalbin, in the county of Fulton. Passed May 27, 1880; three-fifths being present.
- CHAP. 447.** An act to incorporate the Holstein Breeders Association of America. Passed May 27, 1880.
- CHAP. 448.** An act in relation to uncollected taxes in the several towns and wards in this state. Passed May 27, 1880; three-fifths being present.
- CHAP. 449.** An act to amend section twenty-seven, article two, title two, chapter one, part four of the Revised Statutes of the State of New York. Passed May, 27, 1880; three-fifths being present.
- CHAP. 450.** An act to exempt the corporation of the village of Monticello, in Sullivan county, and the trustees and other officers of said village, from the provisions of chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes." Passed May 27, 1880; three-fifths being present.
- CHAP. 451.** An act supplementary to chapter four hundred and forty-one of the laws of eighteen hundred and sixty-four, entitled "An act in relation to the performance of highway labor in Queens county." Passed May 27, 1880; three-fifths being present.
- CHAP. 452.** An act to authorize joint-stock fire insurance companies to issue policies providing against loss or damage by lightning. Passed May 27, 1880.
- CHAP. 453.** An act to regulate the taking of clams and oysters in the waters of the State of New York on the south side of Staten Island. Passed May 27, 1880; three-fifths being present.
- CHAP. 454.** An act to change the name of Hamburg Cemetery Association to Prospect Lawn Cemetery Association, and to legalize certain acts of said association. Passed May 27, 1880.

- CHAP. 455.** An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction." Passed May 27, 1880; three-fifths being present.
- CHAP. 456.** An act to amend chapter forty of the laws of eighteen hundred and seventy-six, entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes,'" and the acts amendatory of the same. Passed May 27, 1880; three-fifths being present.
- CHAP. 457.** An act to amend chapter four hundred and seventy-six of the laws of eighteen hundred and sixty-nine, entitled "An act to establish the office of receiver of taxes in the town of New Rochelle, in the county of Westchester." Passed May 27, 1880; three-fifths being present.
- CHAP. 458.** An act to amend chapter five hundred and twenty-four of the laws of eighteen hundred and fifty-three, entitled "An act to amend an act entitled 'An act to incorporate the Montezuma Turnpike and Bridge Company.'" Passed May 27, 1880.
- CHAP. 459.** An act to restrict and regulate the right of the Brooklyn Elevated Railway Company to lay their rails easterly of Schenck avenue and to and through Woodhaven in the town of Jamaica, county of Queens. Passed May 27, 1880.
- CHAP. 460.** An act to extend the authority of the supreme court in proceedings by writ of mandamus, to correct errors in the determination of boards of county canvassers. Passed May 27, 1880; three-fifths being present.
- CHAP. 461.** An act to regulate the leasing of real estate by the mayor, aldermen and commonalty of the city of New York. Passed May 27, 1880; three-fifths being present.
- CHAP. 462.** An act authorizing the construction of a bridge over the Erie canal at Kent street, in the village of Palmyra. Passed May 27, 1880; three-fifths being present.
- CHAP. 463.** An act to amend chapter six hundred and four of the laws of eighteen hundred and seventy-five, entitled "An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York, or in Raritan bay within the jurisdiction of the State of New York." Passed May 27, 1880; three-fifths being present.
- CHAP. 464.** An act to incorporate the National Tent of the National Order of Rechabites. Passed May 27, 1880.
- CHAP. 465.** An act to amend chapter five hundred and seventy of the laws of eighteen hundred and seventy-two, entitled "An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York.'" Passed May 28, 1880; three-fifths being present.
- CHAP. 466.** An act making an appropriation for repairs to the state arsenal at Albany and the military property stored therein. Passed May 28, 1880; three-fifths being present.
- CHAP. 467.** An act to further amend chapter two hundred and sixty-two of the laws of eighteen hundred and fifty-five, entitled "An act revising and amending an act entitled 'An act to incorporate the village of Ulster.'" Passed May 28, 1880; three-fifths being present.
- CHAP. 468.** An act to amend chapter forty-six of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,'" passed March thirty-one, eighteen hundred and sixty-six, and to define the school district boundaries. Passed May 28, 1880; three-fifths being present.
- CHAP. 469.** An act to amend chapter five hundred and fifty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Niagara Grand Island Bridge Company." Passed May 28, 1880.
- CHAP. 470.** An act to enlarge the powers of the Waterville Opera House Company, limited. Passed May 28, 1880.

- CHAP. 471.** An act making an appropriation for the payment of an award made by the canal appraisers. Passed May 28, 1880; three-fifths being present.
- CHAP. 472.** An act in relation to the partition of lands held by husband and wife as joint tenants, tenants in common, or as tenants by entireties. Passed May 28, 1880.
- CHAP. 473.** An act to amend chapter three-hundred and eighty-one of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter eight hundred and ninety-six of the laws of eighteen hundred and sixty-nine, entitled 'An act to incorporate the Crescent Company, and to extend the time within which the company thereby created may commence operation,'" and to further extend the time within which said company may commence operations. Passed May 28, 1880; three-fifths being present.
- CHAP. 474.** An act enabling any corporation created by act of congress of the United States, to acquire, hold, use and improve real estate for the purposes of an international exhibition. Passed May 28, 1880.
- CHAP. 475.** An act to provide for the payment to Mrs. Ann Church, widow of the late Sanford E. Church, chief judge of the court of appeals, the chief judge's salary for the unexpired portion of the year eighteen hundred and eighty since the decease of the late chief judge. Passed May 28, 1880; by a two-third vote.
- CHAP. 476.** An act to release to Ellen Kennedy and others the right, title and interest of the people of the State of New York in and to certain real estate in the county of Madison, of which Richard Kennedy died seized. Passed May 28, 1880; by a two-third vote.
- CHAP. 477.** An act to revise and amend title eleven of chapter two-hundred and ninety-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the city of Binghamton," and the several acts amendatory thereof. Passed May 28, 1880; three-fifths being present.
- CHAP. 478.** An act in relation to the temporary relief of the poor of the town of Ulster, Ulster county. Passed May 28, 1880; three-fifths being present.
- CHAP. 479.** An act for the better preservation of trees and shrubbery on the islands in Lake George. Passed May 28, 1880; three-fifths being present.
- CHAP. 480.** An act to amend chapter four hundred and sixty-seven of the laws of eighteen hundred and seventy, entitled "An act in relation to the county courts." Passed May 28, 1880; three-fifths being present.
- CHAP. 481.** An act to amend chapter three hundred and thirty of the laws of eighteen hundred and fifty, entitled "An act reincorporating the village of Little Falls by the name of Rockton," and the acts amendatory thereof. Passed May 28, 1880; three-fifths being present.
- CHAP. 482.** An act authorizing the surrogate of the county of Erie to appoint a stenographer for the surrogate's court of said county. Passed May 28, 1880; three-fifths being present.
- CHAP. 483.** An act to provide for the establishment and management of a permanent fund for the Buffalo Society of Natural Sciences. Passed May 28, 1880.
- CHAP. 484.** An act in relation to plank roads and turnpike companies. Passed May 28, 1880; three-fifths being present.
- CHAP. 485.** An act to amend chapter two hundred and eighty-five of the laws of eighteen hundred and seventy-four, entitled "An act in reference to the cemetery in the village of Herkimer." Passed May 28, 1880; three-fifths being present.
- CHAP. 486.** An act to secure the payment of mechanics, laborers and workmen who perform work, also persons furnishing materials toward the erection, altering or repairing buildings, wharves, vaults or any other structure in the cities of the State of New York. Passed May 28, 1880; three-fifths being present.
- CHAP. 487.** An act to amend chapter seven hundred and seventeen of the laws of eighteen hundred and seventy, entitled "An act to authorize the sale of real estate in which any widow is or shall be entitled to dower in satisfaction and discharge thereof." Passed May 28, 1880.

- CHAP. 488.** An act to empower the board of trustees of the village of West Troy to construct a sewer in Utica street in said village. Passed May 28, 1880; three-fifths being present.
- CHAP. 489.** An act to amend chapter four hundred and sixty-one of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the Chapin Home for the Aged and Infirm in the city of New York." Passed May 28, 1880.
- CHAP. 490.** An act to amend chapter six hundred and thirteen of the laws of eighteen hundred and fifty-seven, entitled "An act to amend an act, entitled 'An act to incorporate the village of Kinderhook, in the county of Columbia,' passed April eight, eighteen hundred and thirty-eight." Passed May 28, 1880; three-fifths being present.
- CHAP. 491.** An act to provide for submitting a proposed amendment to the constitution to the electors of the State. Passed May 28, 1880; three-fifths being present.
- CHAP. 492.** An act to amend chapter two hundred and ninety-one of the laws of eighteen hundred and sixty-seven entitled "An act to incorporate the city of Binghamton." Passed May 28, 1880; three-fifths being present.
- CHAP. 493.** An act defining the powers and duties of the superintendent of public works. Passed May 28, 1880; three-fifths being present.
- CHAP. 494.** An act in relation to the real estate of Margaret Noonan, an idiot. Passed May 28, 1880.
- CHAP. 495.** An act to amend chapter seven hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown," and certain acts supplementary thereto and amendatory thereof. Passed May 28, 1880; three-fifths being present.
- CHAP. 496.** An act to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages." Passed May 28, 1880; three-fifths being present.
- CHAP. 497.** An act to authorize the comptroller to compromise and settle claims against the sureties of the New York and Erie Bank of Buffalo. Passed May 28, 1880; by a two-third vote.
- CHAP. 498.** An act to provide for leasing wharf property necessary for ferry purposes along with the franchise of a ferry within the city of New York. Passed May 28, 1880.
- CHAP. 499.** An act to provide a public park for the city of Elmira, and for the care of the same. Passed May 28, 1880; three-fifths being present.
- CHAP. 500.** An act to authorize Henry Fordham and George W. Tuttle to establish, maintain and operate a ferry across the Great South bay, in Suffolk county. Passed May 28, 1880.
- CHAP. 501.** An act to amend chapter twenty-six of the laws of eighteen hundred and seventy-eight, entitled "An act authorizing the city of Kingston to issue bonds for the purpose of creating a fund to pay the principal of the bonded indebtedness of said city, falling due in the years eighteen hundred and seventy-nine, eighteen hundred and eighty, eighteen hundred and eighty-one and eighteen hundred and eighty-two, and its proportion or quota of the bonded indebtedness of the county of Ulster falling due in said years." Passed May 28, 1880; three-fifths being present.
- CHAP. 502.** An act to amend chapter two hundred and seventy-two of the laws of eighteen hundred and thirty-seven, entitled "An act to incorporate the Society for the Relief of Half-Orphan and Destitute Children in the city of New York." Passed May 20, 1880; three-fifths being present.
- CHAP. 503.** An act to amend chapter five hundred and twenty-two of the laws of eighteen hundred and sixty-five, entitled "An act to amend title one of chapter sixteen of the first part of the Revised Statutes, in regard to roads and bridges and the appointment of overseers of highways." Passed May 28, 1880; three-fifths being present.

CHAP. 504. An act to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors." Passed May 28, 1880; three-fifths being present.

CHAP. 505. An act to legalize the official acts of Henry G. Wood as notary public. Passed May 28, 1880.

CHAP. 506. An act to amend chapter three hundred and thirty-two of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter six hundred and ten of the laws of eighteen hundred and seventy-four, entitled 'An act to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the several towns of the county of Westchester.'" Passed May 28, 1880; three-fifths being present.

CHAP. 507. An act to amend chapter four hundred and twenty-six of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of villages," so far as the same relates to the village of Corning, in the county of Steuben. Passed May 28, 1880; three-fifths being present.

CHAP. 508. An act to amend chapter eight hundred and twenty-four of the laws of eighteen hundred and seventy-three, entitled "An act to amend section nineteen of chapter five hundred and seventy of the laws of eighteen hundred and seventy-two, entitled 'An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act, entitled 'An act in relation to elections in the city and county of New York.''" Passed May 28, 1880; three-fifths being present.

CHAP. 509. An act authorizing certain officers of the town of Orleans to issue bonds to pay indebtedness of said town. Passed May 28, 1880; three-fifths being present.

CHAP. 510. An act to regulate voting by stock and bondholders of railroad corporations. Passed May 29, 1880.

CHAP. 511. An act for the relief of the Union Plank Road Company. Passed May 29, 1880.

CHAP. 512. An act to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors." Passed May 29, 1880; three-fifths being present.

CHAP. 513. An act entitled "An act to regulate the licensing of physicians and surgeons." Passed May 29, 1880; three-fifths being present.

CHAP. 514. An act to amend section twenty-four of article one of title one of chapter fifteen of part one of the Revised Statutes, entitled "Of the organization and powers of the board of regents." Passed May 29, 1880; three-fifths being present.

CHAP. 515. An act to provide ways and means for the support of government. Passed May 29, 1880; three-fifths being present.

CHAP. 516. An act to amend chapter two hundred and forty, laws of eighteen hundred and twenty-seven, entitled "An act for incorporating an aqueduct association in the village of Cooperstown, in the county of Otsego." Passed May 29, 1880; three-fifths being present.

CHAP. 517. An act to reduce and fix the rate of interest on bonds and mortgages held by the commissioners of the United States Deposit Fund in the several counties of the State; and to amend title fourteen of chapter nine of part one of the Revised Statutes, entitled "Of the United States Deposit Fund." Passed May 29, 1880; by a two-third vote.

CHAP. 518. An act releasing all the right, title and interest of the people of the State of New York to and in certain lands in the city of Brooklyn, eastern district, formerly town of Bushwick, county of Kings, formerly lying in the East river. Passed May 29, 1880; by a two-third vote.

- CHAP. 519.** An act supplemental to chapter three hundred and twenty-six of the laws of eighteen hundred and seventy-four, entitled "An act to provide for improvements in and adjoining the first ward in Long Island City." Passed May 29, 1880; three-fifths being present.
- CHAP. 520.** An act to authorize the commissioner of highways of the town of Newark Valley, in the county of Tioga, to ascertain and establish the location of the several highways situated in the said town and to reduce descriptions thereof to writing, and to have the same recorded in the office of the town clerk of said town in the place of the records thereof destroyed by fire on the fifteenth day of October, 1879. Passed May 29, 1880; three-fifths being present.
- CHAP. 521.** An act to amend chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York," and to reduce the burden of taxes to be levied in said city. Passed May 29, 1880; three-fifths being present.
- CHAP. 522.** An act supplemental to chapter one hundred and seventy-eight of the laws of eighteen hundred and eighty, entitled "An act supplemental to the Code of Civil Procedure." Passed May 31, 1880; three-fifths being present.
- CHAP. 523.** An act to provide for supplying the city of Kingston with pure and wholesome water. Passed May 31, 1880; three-fifths being present.
- CHAP. 524.** An act conferring additional powers on the boards of education of union free school district number one, of the town of Deerpark, Orange county, and school district number four, of the town of Johnstown, Fulton county, and granting additional privileges to said districts. Passed May 31, 1880; three-fifths being present.
- CHAP. 525.** An act to amend chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-two, entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties." Passed May 31, 1880; three-fifths being present.
- CHAP. 526.** An act making appropriations for the payment of certain awards made by the state board of audit. Passed May 31, 1880; three-fifths being present.
- CHAP. 527.** An act to amend section two of chapter four hundred and five of the laws of eighteen hundred and seventy-nine, entitled "An act to amend sections two and ten of chapter two hundred and forty-eight of the laws of eighteen hundred and seventy-eight, entitled 'An act in relation to the election of officers in certain school districts.'" Passed May 31, 1880; three-fifths being present.
- CHAP. 528.** An act to provide for the appointment of a board of elections and of registers, canvassers, inspectors and poll clerks in the city of Brooklyn, and to fix their compensation. Passed May 31, 1880; three-fifths being present.
- CHAP. 529.** An act to amend section thirteen hundred and twenty-three of the Code of Civil Procedure. Passed May 31, 1880; three-fifths being present.
- CHAP. 530.** An act to provide for the bringing of actions for relief in certain cases where agreements, contracts and instruments in writing have been recorded. Passed May 31, 1880.
- CHAP. 531.** An act to amend chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-nine, entitled "An act for the preservation of moose, wild deer, birds, fish and other game." Passed May, 31, 1880; three-fifths being present.
- CHAP. 532.** An act to create a board of estimate for the county of Kings and the city of Brooklyn, and to describe the manner in which appropriations shall be made for the support of the government of said county and said city, and the appointment of court officers. Passed May 31, 1880; three-fifths being present.
- CHAP. 533.** An act to regulate the passage of lumber, logs and other timber upon the rivers of this State, recognized by law or common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture. Passed May 31, 1880; three-fifths being present.
- CHAP. 534.** An act to provide for the taxation of life insurance companies. Passed May 31, 1880; three-fifths being present.

CHAP. 535. An act to amend section four hundred and thirty-five of the Code of Civil Procedure. Passed May 31, 1880; three-fifths being present.

CHAP. 536. An act amending subdivision seven, chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, commonly known as the Code of Civil Procedure. Passed May 31, 1880; three-fifths being present.

CHAP. 537. An act in relation to receivers of insolvent corporations. Passed May 31, 1880; three-fifths being present.

CHAP. 538. An act to amend chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter eighty-two of the laws of eighteen hundred and fifty-two, entitled 'An act in relation to writs of error in behalf of the people in criminal cases.'" Passed May 31, 1880; three-fifths being present.

CHAP. 539. An act to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica," as amended by chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled 'An act to revise the charter of the city of Utica.'" Passed June 1, 1880; three-fifths being present.

CHAP. 540. An act in relation to the valuation of the property of the president, managers and company of the Delaware and Hudson Canal Company in school districts for the purpose of taxation. Passed June 1, 1880; three-fifths being present.

CHAP. 541. An act to compel the maintenance of certain lights on swing bridges across the Hudson river. Passed June 1, 1880; three-fifths being present.

CHAP. 542. An act to provide for raising taxes for the use of the State upon certain corporations, joint stock companies and associations. Passed June 1, 1880; three-fifths being present.

CHAP. 543. An act to provide for the improvement of Steinway avenue, in Long Island City. Passed June 2, 1880; three-fifths being present.

CHAP. 544. An act providing for the appointment of an additional number of commissioners of deeds in the city of New York. Passed June 2, 1880.

CHAP. 545. An act to amend chapter six hundred and thirty-three of the laws of eighteen hundred and seventy-five, entitled "An act to amend the charter of the city of Brooklyn, being the act for that purpose passed June twenty-eighth, eighteen hundred and seventy-three, and the act for that purpose passed June first, eighteen hundred and seventy-four." Passed June 4, 1880; three-fifths being present.

CHAP. 546. An act to provide for the revision, amendment and consolidation of the act entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled 'the Military Code,'" and of all acts amendatory thereof and supplemental thereto, or relating to the organization and government of the militia of the State. Passed June 4, 1880; three-fifths being present.

CHAP. 547. An act to amend chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled 'the military code.'" Passed June 4, 1880; by a two-third vote.

CHAP. 548. An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year, commencing on the first day of October, eighteen hundred and eighty, and to provide for a contingent deficiency in the revenues of the canals for the calendar year eighteen hundred and eighty. Passed June 7, 1880; three-fifths being present.

CHAP. 549. An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations. Passed June 7, 1880; by a two-third vote.

CHAP. 550. An act relating to certain assessments for local improvements in the city of New York. Passed June 9, 1880; three-fifths being present.

- CHAP. 551.** An act to provide for the disposition of a portion of the Chenango canal and what is called and known as the Chenango canal extension and the lands, rights and other property connected therewith. Passed June 9, 1880; by a two-third vote.
- CHAP. 552.** An act to authorize the issue of certain bonds and stocks of the city of New York exempt from taxation. Passed June 9, 1880; three-fifths being present.
- CHAP. 553.** An act to amend title four, chapter six, part one of the Revised Statutes, entitled "Of the manner of conducting elections." Passed June 9, 1880; three-fifths being present.
- CHAP. 554.** An act to facilitate the collection of judgments against counties, towns, cities and villages. Passed June 9, 1880; three-fifths being present.
- CHAP. 555.** An act in relation to Furman street in the city of Brooklyn. Passed June 9, 1880.
- CHAP. 556.** An act relating to certain local improvements in the city of New York. Passed June 10, 1880; three-fifths being present.
- CHAP. 557.** An act to amend chapter three hundred and ninety-eight of the laws of eighteen hundred and seventy-one, entitled "An act in relation to the improvement of the First avenue in the city of New York." Passed June 10, 1880; three-fifths being present.
- CHAP. 558.** An act to authorize the improvement of the public squares, parks or places in the Fourth avenue between Sixty-seventh and Ninety-sixth streets in the city of New York. Passed June 10, 1880; three-fifths being present.
- CHAP. 559.** An act granting the consent of the State of New York to the purchase by the United States of certain lands, pond and rights for the purpose of increasing the water supply of West Point, New York, and ceding jurisdiction over said lands and pond. Passed June 14, 1880; by a two-third vote.
- CHAP. 560.** An act to provide for a further appropriation of moneys for the maintenance of the public parks of the city of Brooklyn and Bedford avenue. Passed June 15, 1880; three-fifths being present.
- CHAP. 561.** An act to allow the continued use of a business name or designation in certain cases. Passed June 15, 1880.
- CHAP. 562.** An act to amend chapter five hundred and fifty-four of the laws of eighteen hundred and seventy-three, entitled "An act amending chapter eight hundred and thirty-seven, laws of eighteen hundred and sixty-eight, and chapter six hundred and twenty-three, laws of eighteen hundred and sixty-nine, in reference to the laying out, opening and continuing of Bushwick avenue, in the town of New Lots, Kings county." Passed June 15, 1880; three-fifths being present.
- CHAP. 563.** An act in relation to cleaning the streets of the city of Brooklyn. Passed June 15, 1880; three-fifths being present.
- CHAP. 564.** An act to amend chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn, and the various amendments thereof." Passed June 16, 1880; three-fifths being present.
- CHAP. 565.** An act to provide for the improvement of Morningside park in the city of New York, and of the streets and avenues bounding said park. Passed June 16, 1880; three-fifths being present.
- CHAP. 566.** An act to amend chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations," and the acts amendatory thereof. Passed June 16, 1880.
- CHAP. 567.** An act to amend chapter one hundred and sixty-three of the laws of eighteen hundred and seventy, entitled "An act to amend the act entitled 'An act to authorize the business of banking,' passed April eighteen, eighteen hundred and thirty-eight." Passed June 4, 1880; three-fifths being present.
- CHAP. 568.** An act to consolidate, amend and revise the charter of the village of Sing Sing, in the county of Westchester. Passed June 17, 1880; three-fifths being present.

CHAP. 569. An act relating to certain streets and avenues in Astoria, Long Island City. Passed June 17, 1880; three-fifths being present.

CHAP. 570. An act to extend the term of office of the improvement commissioners in Long Island City, for the purpose of completing certain improvements heretofore authorized. Passed June 18, 1880; three-fifths being present.

CHAP. 571. An act making appropriations for the payment of certain awards made by the State board of audit. Passed June 18, 1880; three-fifths being present.

CHAP. 572. An act in relation to unpaid taxes and assessments in the city of Brooklyn. Passed June 21, 1880; three-fifths being present.

CHAP. 573. An act to further amend an act entitled "An act to amend chapter sixty-five of the laws of eighteen hundred and seventy-eight, relating to the collection of taxes in the counties of Livingston, Montgomery, Oswego, Ulster and Ontario," and amended by chapter two hundred of the laws of eighteen hundred and seventy-nine. Passed June 21, 1880; three-fifths being present.

CHAP. 574. An act supplementary to chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter two hundred of the laws of eighteen hundred and seventy-four, entitled 'An act to authorize the appraisal and sale of leased fine salt lots on the Onondaga Salt Springs Reservation by the commissioners of the land office, and to authorize the sale of certain coarse salt lands, the removal of vats therefrom, and the purchase of other lands in lieu thereof.'" Passed June 21, 1880; three-fifths being present.

CHAP. 575. An act to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations, and to regulate the same." Passed June 23, 1880; three-fifths being present.

CHAP. 576. An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in cities of sixteen thousand inhabitants or upwards, and the towns and villages abutting against the boundary of any such cities. Passed June 23, 1880; three-fifths being present.

CHAP. 577. An act for the relief of the Attica and Arcade Railroad Company. Passed June 23, 1880.

CHAP. 578. An act to amend chapter two hundred and twenty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act passed May ninth, eighteen hundred and sixty-eighth, entitled 'An act to amend section three of chapter eight hundred and seventeen of the laws of eighteen hundred and sixty-six, entitled 'An act to lay out and construct a road from the river road in township number fourteen, in the town of Johnsburgh, to the Carthage road near the head of Long lake in the county of Hamilton.'" Passed June 24, 1880; three-fifths being present.

CHAP. 579. An act in relation to the opening of streets, avenues and public parks or places in the city of New York. Passed June 24, 1880, three-fifths being present.

CHAP. 580. An act to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers." Passed June 25, 1880.

CHAP. 581. An act in relation to unpaid taxes and water assessments in Long Island City. Passed June 25, 1880; three-fifths being present.

CHAP. 582. An act to provide for excavating and tunneling and bridging for transportation purposes within villages and cities of this State. Passed June 25, 1880; three-fifths being present.

CHAP. 583. An act to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act entitled 'An act to authorize the formation of railroad corporations and to regulate the same.'" Passed June 25, 1880; three-fifths being present.

CHAP. 584. An act to amend chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-nine, entitled "An act for the preservation of moose, wild deer, birds, fish and other game." Passed June 25, 1880; three-fifths being present.

CHAP. 585. An act for the prevention of accidents to children. Passed June 25, 1880; three-fifths being present.

CHAP. 586. An act to incorporate the Supreme Council of Royal Templars of Temperance, and to provide for the organization of select councils, and a grand council for the State of New York. Passed June 26, 1880.

CHAP. 587. An act to provide for payment of the expenses of certain proceedings against public officers in the city of New York. Passed June 26, 1880; three-fifths being present.

CHAP. 588. An act to organize a night medical service in the city of New York, and to provide medical assistance in cases of sudden sickness or accident during the night time. Passed June 26, 1880; three-fifths being present.

CHAP. 589. An act to exempt the town of Henderson from the provisions of chapter eight hundred and seventeen of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the support of the poor in the county of Jefferson," and to confirm the action of the legal voters of said town in the election of an overseer of the poor. Passed June 26, 1880; three-fifths being present.

CHAP. 590. An act supplementary to chapter eight hundred and thirty-six of the laws of eighteen hundred and seventy-two, entitled "An act to regulate places of public amusement in the city of New York." Passed June 26, 1880; three-fifths being present.

CHAP. 591. An act for the appointment of game and fish protectors. Passed June 26, 1880; three-fifths being present.

CHAP. 592. An act establishing an agricultural experiment station. Passed June 26, 1880; three-fifths being present.

CHAP. 593. An act to improve Jackson avenue in Long Island City. Passed June 26, 1880; three-fifths being present.

CHAP. 594. An Act to provide for the revision of the special and local laws affecting public interest in the city of New York. Passed June 26, 1880; three-fifths being present.

CHAP. 595. An act to authorize the reading in courts and proceedings of the compilation entitled "The special and local laws affecting public interests in the city of New York, and to declare the effect thereof." Passed June 26, 1880.

CHAP. 596. An act to provide for the taxation of banks and of moneyed capital engaged in the business of banking, receiving deposits or otherwise. Passed June 26, 1880; three-fifths being present.

CHAP. 597. An act for the relief of the Five Points House of Industry in the city of New York. Passed June 26, 1880; three-fifths being present.

CHAP. 598. An act to change the name of the "Association for Befriending Children" to "The Association for Befriending Children and Young Girls," and in relation to said association, and to provide for the support of the persons cared for by such association. Passed June 26, 1880; three-fifths being present.

CHAP. 599. An act to divide the town of Kingston in the county of Ulster, and erect therefrom the town of Ulster, and attach a part thereof to the town of Woodstock, in said county, passed by the board of supervisors of the county of Ulster at their annual meeting, the twenty-eighth day of November, in the year one thousand eight hundred and seventy-nine; two thirds of all the members of said board voting in favor thereof, under and in pursuance of chapter three hundred and nineteen of the laws of eighteen hundred and seventy-two.

CHAP. 600. An act to fix, establish, locate and define the boundary line between the towns of North Hempstead and Oyster Bay, in the county of Queens, State of New York.

Concurrent Resolution proposing an amendment to section twelve of article six of the Constitution.

Concurrent Resolution proposing an amendment to article six of the constitution.

Concurrent Resolution proposing amendments to article seven of the constitution, and providing for the maintenance of the canals by the revenues thereof.

Concurrent Resolution authorizing the Secretary of State to compile, publish and distribute the election laws of the State.

Concurrent Resolution relative to the toll-sheet for eighteen hundred and eighty.

Names changed under and pursuant to chapter eighty of the laws of eighteen hundred and sixty, amendatory of chapter four hundred and sixty-four, laws of eighteen hundred and forty-seven.

Statement relative to business corporations organized during the period beginning January 1, 1879, to and including December 31, 1880, made pursuant to section nine of chapter six hundred and eleven, laws of eighteen hundred and seventy-five.

GENERAL STATUTES

OF THE

STATE OF NEW YORK;

ALSO

STATUTES RELATING TO THE CITY OF NEW YORK,

PASSED AT THE

103d SESSION, 1880.

CHAP. 4.

AN ACT to declare the cases in which offices shall be deemed vacant.

PASSED February 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. When a new office is created more than three months prior to the next general election, the same shall be deemed vacant from and after the date of the creation of the same and until the same shall be filled by election or appointment.

New office,
when to be
deemed
vacant.

§ 2. Whenever more than three months prior to the next general election provision is made for an additional incumbent of an office then existing, such office shall be deemed vacant as to such additional incumbent from and after the time when such provision shall take effect until the same shall be filled by election or appointment.

When
office
vacant as
to ad-
ditional
incumb-
ent.

§ 3. This act shall apply to all new offices heretofore created, and to all cases where provision has been heretofore made for an additional incumbent of an office then existing.

Applies to
all new
offices.

§ 4. This act shall take effect immediately

CHAP. 5.

AN ACT to authorize the president, treasurer and secretary of any railroad company to issue certificates of stock in certain cases after a foreclosure and sale of the property and franchises of the corporation.

PASSED February 5, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

When president, etc., to issue certificates of stock.

SECTION 1. The president, treasurer and secretary of any railroad company organized under the laws of this State, or either of them, whose property and franchises have been sold under a foreclosure of any mortgage given to secure the payment of any bond or bonds issued by such company, are hereby authorized and required after such foreclosure and sale upon demand of any individual or any duly authorized officers of any corporation, town, county or city entitled thereto, to issue certificates of stock in said railroad company, provided, when any such individual or the proper officers of any corporation, county, town or city duly authorized so to do, have subscribed to the stock of such railroad company and paid the amount of such subscription to the officers of such railroad company, either in money or bonds before the date of such foreclosure and sale, and a certificate of stock through the neglect of such railroad company or of any individual or the officers of any town, county, city or corporation has not been issued and delivered to said subscriber or the officers of any corporation, town, county or city for the amount of money or both so subscribed and paid.

Effect of certificates.

§ 2. All certificates of stock issued under the authority of the first section of this act shall have all the force and effect, and shall give the holder all the rights which would pertain thereto as if said stock had been issued at the date and payment of the subscription thereto.

§ 3. This act shall take effect immediately.

CHAP. 8.

AN ACT relating to legal proceedings in which the mayor, aldermen and commonalty of the city of New York are parties of record or in interest.

PASSED February 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Bond or other security may be executed by comptroller.

SECTION 1. In all actions or proceedings, in either the State or United States courts, in which the mayor, aldermen and commonalty of the city of New York, or any department thereof, shall be a party, wherever an undertaking, bond, security or stipulation is required as a condition to the obtaining of any legal remedy or process, the perfecting of an appeal or the stay of execution, or other writ in the nature thereof, such undertaking, bond or stipulation may be executed

on behalf of the mayor, aldermen and commonalty of the city of New York by the comptroller of said city, upon the advice of the counsel to the corporation that the same should be executed, and in such form as he may approve; or security may be given in such manner and form as the said counsel to the corporation may advise.

§ 2. Any such bond, undertaking or stipulation executed since the first day of January, one thousand eight hundred and eighty, shall have the same force and effect as if executed subsequent to the passage of this act.

§ 3. This act shall not affect any existing provision of law authorizing municipal corporations to stay the execution of a judgment, or order appealed from without an undertaking or other security.

§ 4. This act shall take effect immediately.

Bonds,
etc., legal-
ized.

Not to
affect
existing
provisions
of law.

CHAP. 9.

AN ACT to declare women eligible to serve as school trustees.

PASSED February 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person shall be deemed to be ineligible to serve as any school officer, or to vote at any school meeting, by reason of sex, who has the other qualifications now required by law.

§ 2. This act shall take effect immediately.

CHAP. 12.

AN ACT to amend chapter three hundred and seventeen of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled 'An act in relation to the bonded indebtedness of villages, cities, towns and counties.'"

PASSED February 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and seventeen of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled 'An act in relation to the bonded indebtedness of villages, cities, towns and counties,'" is hereby amended so as to read as follows:

Sec. 1 of
chapter
317, laws of
1878,
amended.

§ 1. The present bonded indebtedness of any village, city, town, district of a town, or county, may be paid up or retired by the issuance of bonds of the same amount by the respective officers or boards who were authorized to issue such outstanding bonds; provided, however, that such new bonds shall only be issued when the existing bonds can be retired or paid by the substitution of new bonds or by money realized thereon, in the place and stead of existing bonds, bearing a lower rate of interest than the bonds so authorized to be retired or paid. All bonds taken up by new bonds, or paid under the provisions of this act, shall be immediately canceled and destroyed; and a certifi-

Bonded in-
debted-
ness may
be paid up
by issue of
new
bonds.

Bonds
taken up {
to be can-
celed.

CHAP. 5.

AN ACT to authorize the president, treasurer and secretary of any railroad company to issue certificates of stock in certain cases after a foreclosure and sale of the property and franchises of the corporation.

PASSED February 5, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

When president, etc., to issue certificates of stock.

SECTION 1. The president, treasurer and secretary of any railroad company organized under the laws of this State, or either of them, whose property and franchises have been sold under a foreclosure of any mortgage given to secure the payment of any bond or bonds issued by such company, are hereby authorized and required after such foreclosure and sale upon demand of any individual or any duly authorized officers of any corporation, town, county or city entitled thereto, to issue certificates of stock in said railroad company, provided, when any such individual or the proper officers of any corporation, county, town or city duly authorized so to do, have subscribed to the stock of such railroad company and paid the amount of such subscription to the officers of such railroad company, either in money or bonds before the date of such foreclosure and sale, and a certificate of stock through the neglect of such railroad company or of any individual or the officers of any town, county, city or corporation has not been issued and delivered to said subscriber or the officers of any corporation, town, county or city for the amount of money or both so subscribed and paid.

Effect of certificates.

§ 2. All certificates of stock issued under the authority of the first section of this act shall have all the force and effect, and shall give the holder all the rights which would pertain thereto as if said stock had been issued at the date and payment of the subscription thereto.

§ 3. This act shall take effect immediately.

CHAP. 8.

AN ACT relating to legal proceedings in which the mayor, aldermen and commonalty of the city of New York are parties of record or in interest.

PASSED February 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Bond or other security may be executed by comp-troller.

SECTION 1. In all actions or proceedings, in either the State or United States courts, in which the mayor, aldermen and commonalty of the city of New York, or any department thereof, shall be a party, wherever an undertaking, bond, security or stipulation is required as a condition to the obtaining of any legal remedy or process, the perfecting of an appeal or the stay of execution, or other writ in the nature thereof, such undertaking, bond or stipulation may be executed

on behalf of the mayor, aldermen and commonalty of the city of New York by the comptroller of said city, upon the advice of the counsel to the corporation that the same should be executed, and in such form as he may approve; or security may be given in such manner and form as the said counsel to the corporation may advise.

§ 2. Any such bond, undertaking or stipulation executed since the first day of January, one thousand eight hundred and eighty, shall have the same force and effect as if executed subsequent to the passage of this act.

Bonds,
etc., legal-
ized.

§ 3. This act shall not affect any existing provision of law authorizing municipal corporations to stay the execution of a judgment, or order appealed from without an undertaking or other security.

Not to
affect
existing
provisions
of law.

§ 4. This act shall take effect immediately.

CHAP. 9.

AN ACT to declare women eligible to serve as school trustees.

PASSED February 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person shall be deemed to be ineligible to serve as any school officer, or to vote at any school meeting, by reason of sex, who has the other qualifications now required by law.

§ 2. This act shall take effect immediately.

CHAP. 12.

AN ACT to amend chapter three hundred and seventeen of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled 'An act in relation to the bonded indebtedness of villages, cities, towns and counties.'"

PASSED February 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and seventeen of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled 'An act in relation to the bonded indebtedness of villages, cities, towns and counties,'" is hereby amended so as to read as follows:

Sec. 1 of
chapter
317, laws of
1878,
amended.

§ 1. The present bonded indebtedness of any village, city, town, district of a town, or county, may be paid up or retired by the issuance of bonds of the same amount by the respective officers or boards who were authorized to issue such outstanding bonds; provided, however, that such new bonds shall only be issued when the existing bonds can be retired or paid by the substitution of new bonds or by money realized thereon, in the place and stead of existing bonds, bearing a lower rate of interest than the bonds so authorized to be retired or paid. All bonds taken up by new bonds, or paid under the provisions of this act, shall be immediately canceled and destroyed; and a certifi-

Bonded in-
debted-
ness may
be paid up
by issue of
new
bonds.

Bonds
taken up
(
to be can-
celed.

Act, how
construed.

cate shall be made and filed in the county clerk's office of the bonds destroyed, and, also, of the new bonds issued. This act shall not be so construed as to authorize the issue of new bonds to supersede or pay existing bonds which have been adjudged invalid by the final judgment of a competent court; and the officers and boards referred to in this act shall include the successors in office of those who originally issued the outstanding bonds.

§ 2. This act shall take effect immediately.

Ante, p. 623.

CHAP. 22.

AN ACT to regulate the depositing of securities by insurance companies with the superintendent of the insurance department.

PASSED February 20, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Deposit-
ing of
securities
by insur-
ance com-
panies.

Of what
deposit
may
consist.

Additional
deposit to
supply
deficiency.

SECTION 1. In all cases where by the laws of this State any insurance company is required to deposit with the superintendent of the insurance department, stocks or bonds of the United States, or of the State of New York, as security for policy-holders, bearing not less than six per centum interest per annum, the superintendent may receive, for the purposes of such deposit, registered stocks or bonds of the United States, or of the State of New York, bearing interest at not less than four per centum per annum; provided that such stocks or bonds shall not be received at a rate above their par value. And if the market value of such stocks or bonds deposited, or offered for deposit, shall at any time be less than par, the superintendent shall require an additional deposit of such stocks or bonds to make the total deposit equal in the aggregate to the sum required by law to be deposited with the superintendent.

§ 2. This act shall take effect immediately.

CHAP. 27.

Public in-
struction.

AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

PASSED February 23, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 555,
Laws 1864.

SECTION 1. Section ten of title three of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows:

§ 10. Whenever any school district or separate neighborhood shall have been excluded from participation in any apportionment made by the superintendent, or by the school commissioners, by reason of its having omitted to make any report required by law, or to comply with any other provision of law, or with any rule or regulation made by the superintendent under the authority of law, and it shall be shown to the superintendent that such omission was accidental or excusable, he may, upon the application of such district or neighborhood, make to it an equitable allowance; and if the apportionment was made by himself, cause it to be paid out of the contingent fund; and, if the apportionment was made by the commissioners, direct them to apportion such allowance to it, at their next annual apportionment, in addition to any apportionment to which it may then be entitled. And the superintendent may, in his discretion, upon the recommendation of the school commissioner having jurisdiction over the district in default, direct that the money so equitably apportioned shall be paid in satisfaction of teachers' wages earned by a teacher not qualified in accordance with the provisions of the law as hereinafter set forth.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Ante, vol. 6, p. 814.

CHAP. 36.

AN ACT to amend the law of evidence and practice on civil and criminal trials.

Amending
law of
evidence.

PASSED February 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Comparison of a disputed writing, with any writing proved to the satisfaction of the court to be genuine, shall be permitted to be made by witnesses in all trials and proceedings, and such writings and the evidence of witnesses respecting the same may be submitted to the court and jury as evidence of the genuineness, or otherwise, of the writing in dispute.

Compari-
son of
disputed
writings.

§ 2. This act shall take effect immediately.

[Chap. 42 (passed March 3, 1890,) amends chap. 590 of the Laws of 1872. That chapter, by some mischance, was not inserted in the regular order in vol. 9, and is therefore printed here, as amended by chap. 42 of 1890. The amendment consists of inserting in section three the words printed in italics.]

CHAP. 590.

AN ACT to regulate processions and parades in the cities of the State of New York.

PASSED May 7, 1872.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

No procession or parade to interfere with free passage of cars upon railroads. How to cross railway tracks.

SECTION 1. No procession or parade shall use any street upon the surface of which is a railway track or tracks by marching upon the said track or tracks, and a free passage of cars upon railway tracks shall not be interfered with by the formation, halt or march of any such procession or parade, or of the persons composing it. Whenever any procession shall find it necessary to march across a railway track, the portion of said procession which in so marching is likely to stop the passage of any car or cars upon said track shall come to a halt in order to permit said car to proceed.

Certain parades and processions forbidden except upon notice, etc.

§ 2. All processions or parades occupying or marching upon any street of any city to the exclusion or interruption of other citizens in their individual right of use thereof (except the national guard and the police and fire department), are forbidden, unless written notice of the object, time and route of such procession or parade be given by the chief officer thereof, not less than six hours previous to its forming or marching, to the police authorities of said city; and it may be lawful for said police authorities to designate to such procession or parade how much of the street in width it can occupy with especial reference to crowded thoroughfares through which said procession may move; and when so designated, the chief officer of said procession or parade shall be responsible that the designation is obeyed; and it shall be the duty of the police authorities to furnish such escort as may be necessary to protect persons and property and maintain the public peace and order.

Escort to be furnished.

What parades prohibited on Sunday.

§ 3. All processions and parades on Sunday, in any street or public place of any city, excepting only funeral processions engaged in the actual burial of the dead, and processions to and from any place of worship in connection with a religious service there celebrated, are forbidden; and in no such excepted case shall there be any music, fireworks, discharge of cannons or fire-arms, or other disturbing noise; provided that in any military or *Grand Army of the Republic* funeral music may be played while escorting the body *to and from such place*, but such music shall not be played within one block of any place of worship where worship is being celebrated.

Fireworks, etc., prohibited.

Penalty.

§ 4. Every person willfully violating any provision of this act shall be guilty of a misdemeanor, punishable with a fine not exceeding twenty dollars, or imprisonment not exceeding ten days, or both at the discretion of the court.

§ 5. This act shall take effect immediately.

CHAP. 54.**AN ACT to amend the Code of Civil Procedure.**

PASSED March 10, 1880; three-fifths being present.

Code of
Civil Procedure.*The People of the State of New York, represented in Senate and Assembly, do enact as follows:***SECTION 1.** Section two hundred and fifty-one of the Code of Civil Procedure is hereby amended so as to read as follows:Amending
§ 251.

§ 251. The justices of the supreme court for the first judicial district, or a majority of them, must appoint, and may at pleasure remove, a stenographer for each term of the circuit court, for the general term of the supreme court, and for each special term of the supreme court where issues of fact are triable which constitutes a separate part. Each stenographer so appointed is entitled to a salary, fixed and to be paid as prescribed by law. He must attend all the sittings of the part for which he is appointed. If any judge requires a copy of any proceedings written out at length from the stenographic notes, he may make an order directing one-half of the stenographer's fees therefor to be paid by each of the parties to the action or special proceeding, at the rate of ten cents for each folio so written out, and may enforce payment thereof. If there are two or more parties on the same side, the order may direct either of them to pay the sum payable by their side for the stenographer's fees, or it may apportion the payment thereof among them as the judge deems just.

Appointing of
stenographers by
justices.

Duties.

Fees for
copies to be paid by
parties.

§ 2. This act shall take effect immediately.

Amended so as to allow a stenographer for the General Terms.

CHAP. 55.

AN ACT to amend section three of chapter one hundred and ten of the laws of eighteen hundred and seventy-six, entitled "An act supplemental to chapter sixty of the laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies, and of the several acts amendatory thereof.'"

Religious
societies.

PASSED March 10, 1880.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:***SECTION 1.** Section three of chapter one hundred and ten of the laws of eighteen hundred and seventy-six, entitled "An act supplemental to chapter sixty of the laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies, and of the several acts amendatory thereof,'" is hereby amended so as to read as follows:Amending
ch. 110,
Laws 1876.

§ 3. Whenever any church, parish or religious society, in connection with any such governing body, shall become extinct, or shall cease to maintain religious services therein for two consecutive years, by reason of the death or removal of its members, or for any other cause, it shall be lawful for the trustees elected by such governing body, as aforesaid, to take possession of the temporalities belonging to such extinct church or society, and manage or dispose of the same, and apply the proceeds thereof to any of the objects mentioned in the second section of this act. The governing body to which the church or society belongs shall determine when any church or society has become extinct, or has ceased to maintain religious services for two consecutive years, provided that no church or society having more than thirteen resident members shall be declared extinct, unless it has failed for two consecutive years to maintain religious service therein.

Trustees
to dispose
of tempo-
ralities
when
society
becomes
extinct.

§ 2. This act shall take effect immediately.

Ants, p. 281.

CHAP. 56.

AN ACT to promote honest elections.

PASSED March 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Elections.
Who shall
be eligible
as inspectors.

Watchers,
privileges
and duties.

SECTION 1. No person shall be eligible to the office of inspector of election or clerk of the poll, or be qualified to act as such, unless he can read and write the English language.

§ 2. It shall be a misdemeanor for any person not possessing such qualifications to act as an inspector of election or clerk of the poll.

§ 3. The election at every poll shall be public to the watchers hereinafter provided for, from its commencement to the close of the canvass and signing of the proper returns and copies thereof.

§ 4. Every political organization which shall present a candidate or candidates for the suffrages of the voters of any election district, shall have the right to appoint, not to exceed, two electors as watchers at the poll of such election district for every election. Such appointment may be evidenced by a written or printed appointment, signed by the president or the chairman and the secretary of such political organization, but no ward or town organization shall be entitled to watchers at any poll outside the limit of such ward or town.

§ 5. Said watchers and each of them shall be entitled to be present at such election in the room occupied by the inspectors of election, commencing at least fifteen minutes before any ballot-box shall be opened, until the close of the canvass, and the signing of the proper returns of such election.

§ 6. At every election immediately before any ballots are received by the inspectors of election, or any of them, said inspectors shall unlock every ballot-box used, or to be used, at such election, and permit each watcher present to examine said ballot-box, and every part and portion thereof, until he is satisfied as to the structure thereof, and that there is, at the commencement of receiving ballots, no ballots therein.

§ 7. Every watcher shall have the right, from the time of so inspecting said ballot-box or boxes, at any and all times until the canvass of the ballots and signing of the proper returns and copies thereof, to be present in the room occupied by said inspectors, in a position and place where he may fully, conveniently and comfortably watch the reception and deposit of every ballot cast at such election, and the full and final canvass of the ballots, and signing of the proper returns and copies thereof; and no ballot-box or ballot cast, except it be in the ballot-box, shall be removed from the constant sight and inspection of such watchers, until the canvass is closed and the proper returns and copies thereof made and completed.

§ 8. Every ballot-box shall be so placed, at a window or elsewhere, that the voter depositing any ballot and each watcher may conveniently see every ballot received by the inspectors and deposited in the ballot-box.

§ 9. No screen or other obstruction to such view of any ballot-box by the voter or any watcher shall be allowed.

§ 10. If requested by any watcher or any elector present at any canvass, it shall be the duty of the inspectors of election, and each of them, to exhibit any and all ballots cast at such election to such watcher or elector fully opened, and in such a condition and manner that he may fully and carefully read and examine the same, though said inspector shall not allow any such ballot to be taken from his hand.

How re-
turns shall
be made.

§ 11. Every return or statement of the result of the canvass of any election shall be made upon a single sheet of paper, or if not, each half-sheet shall be signed at the end thereof by the inspectors.

Size of poll
room.

§ 12. The room used for the reception of ballots shall be of a reasonable size, so as to admit at all times at least twelve electors, including the watchers, exclusive of the inspectors of election and clerks of the poll.

Chal-
lenges.

§ 13. Any watcher or other elector may challenge the right of any person offering to vote at any election, and the name of the person so challenging shall not be disclosed by any inspector of election or clerk of the poll, unless required so to do by a court of justice or magistrate in some legal proceeding.

§ 14. The inspectors of election of each election district shall, within

twenty-four hours after the completion of the canvass, in addition to the making and filing of the returns and statements thereof now directed and required by law, cause a duplicate of such return or statement to be filed in the office of the clerk of the county. One of their number may be deputed by them to, and may file the same, and he shall be paid for so doing, except in cities and towns where the county clerk's office is situated, the sum of five dollars, and also four cents a mile for each mile actually and necessarily traveled by the usual route in going to and returning from the said county clerk's office, to be audited, allowed and paid in the same manner as for other services of said inspectors.

Manner of making returns.

§ 15. The returns or statements of election on file in county, town and city clerk's offices shall be public records and open to inspection and examination by any elector of the State.

Returns open to inspection of all.

§ 16. No inspector of election or clerk of the poll, who shall act as such during any portion of any election, shall peddle, distribute or give tickets to electors, during any part of the day of such election.

Inspector not to distribute tickets.

§ 17. No lager beer, ale, wine or spirituous liquors shall be allowed on any election day in any room used for election purposes.

Sale of Liquors prohibited.

§ 18. Every inspector of election or clerk of the poll who shall intentionally make, or attempt to make, any false canvass of the ballots cast at an election, or shall intentionally make, or attempt to make, any false statement of the result of any canvass, though not signed by a majority of the inspectors of election, shall be guilty of a felony, and be punished by imprisonment in the county jail or a penitentiary, not exceeding one year, or in the State prison, not exceeding five years.

Penalty for false returns.

§ 19. Any person who shall induce, or attempt to induce, any inspector of election, or clerk of the poll to do any act forbidden by the last section shall be guilty of a felony, and be punished in the same manner and to the same extent.

Bribery of inspectors.

§ 20. Every inspector of election, or clerk of the poll, who shall intentionally omit, neglect or refuse to do any act required by this act, and every inspector of election, clerk of the poll, policeman, member of any police force or other person who shall intentionally refuse to permit the doing of any act hereby allowed to be done by any watcher or elector, or shall intentionally prevent, or attempt to prevent, the doing thereof, or shall intentionally do any act forbidden by this act, except in sections eighteen and nineteen thereof, shall be guilty of a misdemeanor, and be punished by imprisonment in a county jail or penitentiary for not exceeding one year, or by a fine of not exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

Penalties for neglect to comply with provisions of act.

§ 21. This act shall apply to all elections general or special, including town elections in all towns and charter elections in all of the cities and incorporated villages of this State. Where the charter of any village shall provide that the trustees, or any officer or officers thereof, may or shall, ex officio, be inspectors of any charter election therein or therefor, said trustees or officers may so act, notwithstanding they do not possess the qualifications required by section one hereof, and section two shall not apply to their so acting.

Act to apply to all elections.

§ 22. Wherever the word inspector appears in this act it shall be taken to include and mean all officers who, under any law of this State, shall be required to canvass votes.

Meaning of word inspector.

§ 23. This act, so far as the same refers to the qualifications of

“inspectors of elections” and “clerks of the poll,” shall take effect so as to apply to those hereafter to be appointed or elected as such inspectors and clerks, and in all other respects, shall take effect immediately.

See cha. 366 and 553, *post*.

CHAP. 58.

Law
schools.

AN ACT further to amend chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled “An act to repeal certain acts and parts of acts.”

PASSED March 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 417,
Laws 1877.

SECTION 1. Subdivision seventeen of section three of chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled “An act to repeal certain acts and parts of acts,” is hereby further amended so as to read as follows :

Admission
to bar.

17. The repeal of the laws conferring upon a graduate of the law department of the University of Albany, or of the law department of the University of the city of New York, or of the law school of Columbia College, or of the law department of Hamilton College, the right to be admitted to practice as an attorney and counselor at law, upon the production of his diploma, does not affect the right of a person who was a student in, or was graduated by either of those departments or schools, on or before the first day of April, eighteen hundred and seventy-eight, to be so admitted at any time within one year after this amendatory act takes effect, upon his complying with the existing laws as hereinafter defined relating to the admission of such graduate to practice; nor does the repeal of said laws, or of chapter four hundred and eighty-six of the laws of eighteen hundred and seventy-one, affect the right of any other person who, but for the repeal of the said law or laws, would have been entitled to be admitted as an attorney and counselor at law, at any time on or before the first day of October, eighteen hundred and eighty, to be so admitted as an attorney and counselor at law, within one year after this amendatory act takes effect, upon his complying with the existing laws as defined in section four of the act hereby amended, relating to the admission of such a graduate or person to practice, or upon the production of a license granted to any such person by the supreme court at a general term thereof, permitting such person to practice as an attorney.

§ 2. This act shall take effect immediately.

The same subdivision was amended by L. 1878, ch. 126, and by L. 1879, cha. 35, 267 and 369. The above act only is printed in this volume, it being the latest form given to the statute.

CHAP. 64.

AN ACT in relation to the incorporation of villages.

Villages.

PASSED March 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The charter of no village heretofore incorporated shall be declared invalid because of a failure to include within the boundaries of said village a mile square of land; and all the municipal acts of the trustees of or other officers of such village shall be deemed to be valid and binding, and of the same force and effect as if such village corporation had originally included one mile square of land within its boundaries.

Boundaries.

§ 2. This act shall take effect immediately.

See ch. 337, L. 1879, ante, p 770.

CHAP. 67.

AN ACT to amend the Code of Civil Procedure.

Code of Civil Procedure.

PASSED March 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision two of section one thousand and eighty-one of "The Code of Civil Procedure" is hereby amended so as to read as follows:

Amending Code of Civil Procedure. Physicians, surgeons, dentists.

2. A practicing physician, surgeon, or surgeon dentist having patients requiring his daily professional attention, and not following any other calling, and a licensed pharmacist or pharmacist while actually engaged in his profession as a means of livelihood.

§ 2. This act shall take effect immediately.

The amendment adds all after the word "calling."

CHAP. 72.

AN ACT to amend section one, title four, chapter seventeen, part one of the Revised Statutes, relating to the licensing of hawkers and peddlers.

Hawkers and peddlers.

PASSED March 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one, title four, chapter seventeen, part one of the Revised Statutes, is hereby amended so as to read as follows:

Amending ch. 17, Revised Statutes. 1 Edm. 533.

§ 1. No person shall be authorized to travel from place to place within this State for the purpose of carrying to sell, or exposing for sale, any goods, wares or merchandise of the growth, produce or manufacture of any foreign country other than family groceries and provisions, unless he shall have obtained a license as a hawker and peddler in the manner hereinafter directed.

§ 2. This act shall take effect immediately.

The amendment inserts the words, "other than family groceries and provisions."

CHAP. 76.

AN ACT to amend section one of chapter two hundred and twelve of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the distribution of the acts passed by the legislature to town clerks' offices."

Distribution of acts to town clerks.

PASSED March 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and twelve of the laws of eighteen hundred and seventy-nine, entitled "An act to pro-

Amending ch. 212, Laws 1879.

Secretary
of State to
mail
printed
slips of
acts to
town
clerks'.

vide for the distribution of the acts passed by the legislature to town clerks' offices," is hereby amended so as to read as follows :

§ 1. It shall be the duty of the secretary of State to forward by mail, or by express, to the clerks of each of the counties of this State a sufficient number of printed slips of the acts passed by the legislature at each session, as soon as approved by the governor, to supply the clerk of each town and incorporated village in their respective counties with one copy thereof.

§ 2. This act shall take effect immediately.

Ante, p. 785.

CHAP. 80.

Equaliza-
tion of
State tax.

AN ACT to amend chapter three hundred and fifty-one of the laws of eighteen hundred and seventy-four, entitled "An act to amend chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine, entitled 'An act to equalize the State tax among the several counties in the State, and to amend chapter three hundred and twenty-seven of the laws of eighteen hundred and seventy-three, amendatory thereof.'"

PASSED March 26, 1890; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
§ 15, ch. 312,
Laws 1859.

SECTION 1. Section fifteen of chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine, entitled "An act to equalize the State tax among the several counties in the State," being a section added to said act by chapter three hundred and twenty-seven of the laws of eighteen hundred and seventy-three, and amended by chapter three hundred and fifty-one of the laws of eighteen hundred and seventy-four, is hereby amended so as to read as follows :

Costs and
expenses
of appeal
charge on
appellant.

§ 15. Whenever any appeal so made shall not be sustained, the costs and expenses arising therefrom, and connected therewith, shall be a charge upon the town, city or ward so appealing, which shall be audited by the board of supervisors, and levied upon the taxable property of said town, city or ward ; and whenever any appeal so made shall be sustained, the State assessors shall certify the reasonable costs and expenses arising therefrom and connected therewith, on the part of the appellant and respondent, and such amounts so certified shall be audited by the board of supervisors and levied and collected from all the towns and cities of the county in the assessment and collection of taxes for the current year, excepting those towns and cities in which such appeal was sustained ; and whenever more than one town or city in a county shall have appealed, some of which are sustained and some dismissed, it shall be the duty of the State assessors to decide what portion of the costs and expenses shall be borne by the town or towns, city or cities, in which such appeal was dismissed.

Amending
§ 5, ch. 361,
Laws 1874.

§ 2. Section five of said chapter three hundred and fifty-one of the laws of eighteen hundred and seventy-four is hereby amended so as to read as follows :

§ 5. All appeals that shall be hereafter brought under the provisions

of the acts hereby amended shall be to the State assessors instead of the comptroller, and as to such and all appeals pending under said act upon the hearing of which the comptroller has not entered, the State assessors are vested with, and shall exercise, all the powers and discharge all the duties that by said act and the amendments thereof are vested in or imposed upon the comptroller, in lieu of said comptroller; and when any appeal shall hereafter be brought, a notice of such appeal shall be served on the State assessors by filing the same in the office of the secretary of State, within ten days after the final completion of the corrected assessment rolls by the board of supervisors, and such notice shall also be served on the chairman of said board of supervisors within the same time.

Appeals to State assessors instead of comptroller.

§ 3. The provisions of this act shall apply to all appeals pending and undetermined at the time of its passage.

§ 4. This act shall take effect immediately.

Ante, vol. 9, pp. 596 and 902; vol. 8, p. 876.

CHAP. 85.

AN ACT supplemental to chapter forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," and the amendments made thereto.

Supplement to ch. 40, Laws 1848, for formation of companies.

PASSED March 31, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any three or more persons may organize and form themselves into a corporation in the manner specified and required in and by the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, and the amendments thereof and supplements thereto, for the purpose of accumulating, storing, conducting, selling, furnishing and supplying water for mining, domestic, manufacturing, municipal and agricultural purposes, and may acquire, take, hold, lease and convey lands and water power suitable for those purposes.

Organization of water companies.

§ 2. Every corporation so formed and the stockholders thereof shall be subject to all the provisions, duties and obligations contained in the above-mentioned act, and shall be entitled to all the benefits and privileges thereby conferred, except that such corporations shall not be confined in their operations to the county in which their certificate shall be filed.

Liability of company and stockholders.

§ 3. It shall and may be lawful for any corporation heretofore incorporated for mining purposes, under the act mentioned in the first section of this act, to conduct the business for which the formation of corporations is authorized by said first section; provided the intention so to do shall be specified among the objects for which such corporation is formed in its certificate of incorporation.

Mining companies may conduct business authorized by first section.

§ 4. It shall and may be lawful for any corporation heretofore incorporated for mining purposes, under chapter forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or

But must
file certifi-
cate of
such in-
tent ion.

Does not
apply to
certain
counties.

chemical purposes," or under any amendment of or supplement to the said acts, to conduct the business for which the formation of corporations is authorized by this act; provided a certificate signed and acknowledged by a majority of the trustees of the said corporation shall be filed in the office of the clerk of the county where the original certificate of incorporation was filed, and a certified copy thereof in the office of the secretary of State, stating that the said corporation intends to avail itself of the provisions of this act, and to carry on the business provided for in this act in addition to the business specified in the said original certificate of incorporation.

§ 5. No corporation shall be formed under this act for the purpose of accumulating, storing, conducting, selling, furnishing and supplying water for domestic or municipal purposes in the cities of New York, Buffalo, Rochester and Kingston, or either of them.

§ 6. This act shall take effect immediately.

Ante, vol. 3, p. 733.

CHAP. 86.

Duties of
executive
officers.

AN ACT to amend chapter eight of part first of the Revised Statutes, entitled "Of the duties of the executive officers of the State, and of various matters connected with their respective departments."

PASSED March 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
§ 4, tit. 1,
ch. 8, pt. 1,
R. S.
1 Edm. 163.

SECTION 1. Section four of title one of chapter eight of part first of the Revised Statutes, entitled "Of the duties of the executive officers of the State, and of various matters connected with their respective departments," is hereby amended so as to read as follows:

Custody of
privy seal.

§ 4. The governor shall have the custody of the privy seal, of which description in writing has been deposited and recorded in the secretary's office, and which shall be and continue the privy seal of this State.

§ 2. Section one of title two of said chapter is hereby amended so as to read as follows:

Custody of
great seal
and books,
etc., and
preserva-
tion and
arrange-
ment.
1 Edm. 163.

§ 1. The secretary of State shall have the custody of all the books, records, deeds, parchments, maps and papers now deposited, or that may hereafter be deposited or kept in his office, and shall, from time to time, make such provision for the arrangement and preservation thereof as he may deem necessary, and shall also have the custody of the great seal, of which description in writing has been deposited and recorded in the secretary's office, and which shall be and continue the great seal of this State.

§ 2.* This act shall take effect immediately.

The amendments made by this act transfer the custody of the great seal from the Governor to the Secretary of State.

* So in the original.

CHAP. 90.

AN ACT to authorize the police department or board of police of any city to appoint policemen of district telegraph companies. Telegraph companies.

PASSED April 2, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The police department or board of police of any city is hereby authorized, in addition to the police force now authorized by law, to appoint a number of persons, not exceeding two hundred, who may be designated by any company which may be operating a system of signaling by telegraph to a central office for police assistance, to act as special patrolman in connection with such telegraphic system. And the persons so appointed shall, in and about such service, have all the powers possessed by the members of the regular force, except as may be limited by and subject to the supervision and control of the police department or board of police of said city. Police department may appoint special officers.

§ 2. No person shall be appointed as a special patrolman under this act, who does not possess the qualifications which may be required by such police department or board of police for said special service ; and the persons so appointed shall be subject, in case of emergency, to do duty as a part of the regular police force of such city. The police department or board of police shall have power to revoke any such appointment or appointments at any time, and every person so appointed shall wear a badge and uniform, to be furnished by such company and approved by the police department or board of police. Such uniform shall be designated at the time of the first appointment under this act, and shall be the permanent uniform to be worn by said special police. Qualifications.

§ 3. The pay of such special patrolmen and all expenses connected with their service shall be wholly paid by such company or companies, and no expense or liability shall at any time be incurred or paid by the police department or board of police of any city for, or by reason of, the services of the persons so as aforesaid appointed. Compensation.

§ 4. This act shall take effect immediately.

CHAP. 94.

AN ACT to amend section two of chapter nine hundred and seventeen of the laws of eighteen hundred and sixty-nine, entitled "An act authorizing the consolidation of certain railroad companies."

PASSED April 3, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter nine hundred and seventeen of the laws of eighteen hundred and sixty-nine, entitled "An act authorizing the consolidation of certain railroad companies," is hereby amended so as to read as follows:

§ 2. Said consolidation shall be made under the conditions, provisions and restrictions, and with the powers hereinafter in this act mentioned and contained, that is to say:

Directors
may enter
into joint
agree-
ment.

1. The directors of the companies proposing to consolidate may enter into a joint agreement, under the corporate seal of each company, for the consolidation of said companies and railroads, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers and their places of residence, the number of shares of the capital stock, the amount of par value of each share, and the manner of converting the capital stock of each of said companies into that of the new corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization and the consolidation of said companies or railroads. But in no case shall the capital stock of the company formed by such consolidation exceed the sum of the capital stock of the companies so consolidated, at the par value thereof. Nor shall any bonds or other evidences of debt be issued as a consideration for, or in connection with, such consolidation.

Amount
of capital
stock.

Agree-
ment to
be submit-
ted to
meeting of
stockhold-
ers.

2. Said agreement shall be submitted to the stockholders of each of the said companies or corporations at a meeting thereof called separately for the purpose of taking the same into consideration; due notice of the time and place of holding said meeting, and the object thereof, shall be given by each company to its stockholders by written or printed notices addressed to each of the persons in whose names the capital stock of such company stands on the books thereof, and deliver to such persons respectively, or send to them by mail, when their post-office address is known to the company, at least thirty days before the time of holding such meeting, and also by a general notice published daily for at least four weeks in some newspaper printed in the city, town or county where such company has its principal office or place of business; and at the said meeting of stockholders the agreement of the said directors shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and said ballots shall be cast in person or by proxy, and if two-thirds of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by the secretaries of the respective companies, under the seal thereof, and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the secretary of State, and shall from thence be deemed and taken to be the agreement and act of consolidation of the said companies; and a copy of the said agreement and act of consolidation, duly certified by the secretary of State, under his official seal, shall be evidence in all courts and places of the existence of said new corporation, and that the foregoing provisions of this act have been fully observed and complied with.

Vote to be
taken by
ballot.
Two-thirds
vote re-
quired.

Certified
copy to be
evidence.

§ 2. This act shall take effect immediately.

Ante, vol. 7, p. 580.

CHAP. 98.

AN ACT to amend chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act for the incorporation of societies or clubs for certain lawful purposes." Societies and clubs.

PASSED April 7, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act for the incorporation of societies or clubs for certain lawful purposes," is hereby amended so as to read as follows : Amending ch. 267, Laws 1875.

§ 4. The society so incorporated may elect from its members its trustees, directors or managers; and the trustees, directors or managers so elected may divide the whole number of trustees, directors or managers into classes, so that not less than one-fourth of their number shall be elected annually, after the first organization of any board of such trustees, directors or managers. Such election may be held at such time and place and in such manner as may be specified in the by-laws; and such board shall have the control and management of the affairs and funds of said society, a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen among such trustees, directors or managers, by death, resignation or neglect to serve, such vacancy shall be filled in such manner as shall be provided by the by-laws of such society. The number of trustees, directors or managers in any corporation organized under this act may at any time be increased to not more than twenty or diminished to not less than five, as follows: The existing trustees, directors or managers of any such corporation, or a majority of them, shall make and sign a certificate declaring how many trustees, directors or managers the corporation shall thereafter have, and stating the names of such trustees, directors or managers for the present time, which certificate shall be acknowledged by the trustees, directors or managers signing the same, or proved by subscribing witness, and shall be filed in the office of the clerk of the county where the original certificate of incorporation was filed, and a duplicate or transcript thereof, duly certified under the official seal of such clerk, shall be filed in the office of the secretary of state; and from and after the filing of such certificate and duplicate or transcript the trustees, directors or managers of such corporation shall be deemed increased or diminished to the number therein stated, and the persons so named therein shall be trustees, directors or managers until a new election thereof shall be had according to this act and the constitution, by-laws or regulations of such corporation. But no action of the trustees, directors or managers, changing the number of such trustees, directors or managers, shall be valid until ratified by a majority of the members of such corporation at a meeting called for that purpose. Election, qualifications and duties of directors. Ante, p. 106.

§ 2. This act shall take effect immediately.

CHAP. 99.

Canals.

AN ACT to amend sections seventeen and eighteen of article two, title nine, chapter nine, part one of the Revised Statutes, entitled "Of the canal commissioners and their general powers and duties."

PASSED April 7, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Revised
Statutes,
ch. 9.

SECTION 1. Section seventeen of article two, title nine, chapter nine, part one of the Revised Statutes, entitled "Of the canal commissioners and their general powers and duties," is hereby amended so as to read as follows:

State engi-
neer to
make sur-
veys, maps,
etc.

§ 17. Whenever, in the opinion of the superintendent of public works, it shall become necessary or expedient to reconstruct any bridge on a change of plan, or make any repairs or improvements on any completed canal such as the opening of new feeders, or the construction of additional locks, dams, embankments, tunnels or aqueducts, and whenever requested so to do by the superintendent of public works it shall be the duty of the State engineer and surveyor to cause the necessary surveys and levels to be taken, and accurate drafts, plans, models or maps as the case may require of the contemplated work, together with an estimate in minute detail of the probable expense to be incurred, and to submit the same to the canal board for their approbation.

Superin-
tendent of
public
works to
execute
and com-
plete
improve-
ments
when di-
rected by
canal
board.

§ 2. Section eighteen of said article is hereby amended so as to read as follows:

§ 18. If such repairs or improvements shall be directed by the canal board or the legislature it shall be the duty of the superintendent of public works to proceed as soon as circumstances will permit to execute and complete the same, and for that purpose to take possession of and use all lands, waters or streams of which the occupation and use, in his judgment, may be necessary to enable him to discharge such duties.

1 Edm. 220, 221.

CHAP. 100.

Taxes.

AN ACT to authorize the State comptroller to issue revenue bonds in anticipation of the State tax, for expenses of government.

PASSED April 7, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Comptrol-
ler empow-
ered to is-
sue bonds
in antici-
pation of
state tax.

SECTION 1. The State comptroller is hereby empowered, from time to time, as may be required, to issue bonds in anticipation of the State tax, authorized to be levied for the current expenses of the government, which bonds shall be made payable on or before the fifteenth day of May next, following date of issue, and draw interest at the lowest rate obtainable by the comptroller.

§ 2. The proceeds of the bonds issued in pursuance of section one of this act shall be applied in payment of the current expenses of the government, and to no other object, and so much as is necessary of the taxes in anticipation of which said bonds are issued, when received into the State treasury, shall be applied exclusively to the payment of the principal and interest of said bonds.

Proceeds of bonds to be applied to the current expenses of the government.

§ 3. The gross amount of the bonds issued, as hereinbefore provided for, shall at no time exceed fifty per centum of the amount of taxes authorized to be levied and collected for the current expenses of government for the fiscal year in which said bonds are issued, and the comptroller shall include in his annual report to the legislature a detailed statement of all bonds so issued.

Limit of gross amount.

§ 4. The sum of two million dollars, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this act.

Appropriation.

§ 5. This act shall take effect immediately.

CHAP. 106.

AN ACT to repeal chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York.'"

New York city, courts of record in.

PASSED April 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York,'" is hereby repealed.

Repealing ch. 515, Laws of 1875.

§ 2. This act shall take effect immediately.

See chap. 396, *post*.

CHAP. 108.

AN ACT to amend section one thousand and thirty-nine of the Code of Civil Procedure.

Code of Civil Procedure.

PASSED April 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one thousand and thirty-nine of the "Code of Civil Procedure" is hereby amended so as to read as follows:

Amending Code of Civil Procedure. § 1039.

§ 1039. Before depositing the ballots the county clerk must destroy each ballot remaining in either of the boxes kept by him and contain-

As to jury
lists lost or
destroyed.

ing the name of a resident of a town for which a new list has been transmitted. If for any reason the list from a town is not received by the county clerk by the first Monday of August, he shall give immediate notice thereof to the town clerk, and it must be transmitted as soon thereafter as practicable; and if after the same is received by the county clerk it has been or shall be lost or destroyed, he must forthwith give notice thereof to the town clerk, and a copy of the duplicate list on file in the town clerk's office, certified by him to be correct, or if that duplicate is also lost or destroyed, or cannot be found, a new list to be made forthwith as prescribed for making the original list, must be transmitted to the county clerk as soon thereafter as practicable; and the county clerk must prepare new ballots, and destroy the old ballots, containing the names of residents of that town immediately after the receipt by him of the list therefrom.

§ 2. This act shall take effect immediately.

CHAP. 110.

Fire and
fire and
inland
navigation
insurance
companies

AN ACT to regulate the examinations and reports of fire and fire and inland navigation insurance companies.

PASSED April 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Investiga-
tions.

SECTION 1. Hereafter when an investigation is made by authority of the superintendent of the insurance department into the affairs of any fire, or fire and inland navigation insurance company doing business in this State, or whenever such company renders a statement to the insurance department, there shall not be allowed, as assets, any investments that are not held as prescribed by the law at the date of such investigation, or rendering of such statement; provided, however, that unpaid premiums, on policies written within three months, shall be admitted as available resources. In estimating the liabilities, when such investigation is being made or statement rendered as above, there shall be charged, in addition to the capital stock and all outstanding claims, a sum equal to the total unearned premiums on the policies in force, calculated on the gross sum without any deduction on any account, charged to the policy-holder for each respective risk from the date of the issuance of the policy.

What may
be allowed
as assets.

Liabilities,
how to be
estimated.

Superin-
tendent to
insert in-
terroga-
tories in
statement
blank.

§ 2. It shall be the duty of the superintendent of the insurance department to insert in the blanks now required to be furnished to the companies for making their statements, such interrogatories as will best elicit and exhibit the information called for in the preceding section.

Company
to cancel
policy at
request of
insured,
and return
premium
paid less
short rate
premium.

§ 3. Any person, company, association or corporation transacting the business of fire, or fire and inland navigation insurance in this State, shall cancel any policy of insurance hereafter issued or renewed at any time by request of the party insured or his legal representative, and shall return to said party or his representatives as aforesaid the amount of premium paid, less the customary short-rate premium for the expired time of the full term for which said policy has been issued or renewed, any thing in the policy to the contrary notwithstanding.

Receiver
to cancel
policies.

§ 4. It shall be the duty of the receiver of any fire, or fire and inland navigation insurance company organized or incorporated under the

laws of this State, hereafter appointed, on the receipt by him of any policy in force hereafter issued or renewed by said company, and at the request of the policy-holder (in writing) to cancel the policy of such person, and to issue in lieu thereof a certificate of indebtedness as such receiver to said policy-holder for the amount of the premium paid, less the proportional premium for the expired time of the full term for which the policy had been issued or renewed; and upon the receipt of said certificate of indebtedness by the policy-holder, the policy shall become null and void, any thing in the policy to the contrary notwithstanding. It shall be the duty of the receiver to report in the liabilities of the company in his statements to the insurance department, the total amount of the outstanding certificates of indebtedness as aforesaid, not canceled at the date of making such statement.

Receiver
to report
liabilities.

§ 5. Any company of this State, or the receiver of any such company violating the provisions of this act, shall be subject to a fine of five hundred dollars for each and every violation, to be sued for and recovered in the name of the people of the State of New York by the attorney-general, and the said penalty when recovered shall be paid into the treasury of the State. Any company, person, association or corporation of another State or country, refusing to comply with the requirements of this act, shall have their certificates of authority revoked by the superintendent of the insurance department, upon the request (in writing) of the attorney-general.

Penalties
for viola-
tion of
provisions
of this
act.

§ 6. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 7. This act shall take effect immediately.

CHAP. 113.

AN ACT to amend chapter four hundred and sixty-nine of the laws of eighteen hundred and seventy-three, entitled "An act relative to the purchasers of the franchises and property of corporations whose franchises and property shall have been sold by mortgage."

Pur-
chasers of
corpora-
tion fran-
chises.

PASSED April 9, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter four hundred and sixty-nine of the laws of eighteen hundred and seventy-three, entitled "An act relative to the purchasers of the franchises and property of corporations whose franchises and property shall have been sold by mortgage," is hereby amended so as to read as follows:

Amending
ch. 469.
Laws 1873.

§ 4. The said certificate shall be executed in duplicate and acknowledged before some officer competent to take acknowledgment of deeds. One of the said duplicates shall be filed in the office of the secretary of State, and the other thereof shall be filed in the office of the clerk of the county in which the said corporation first mentioned in this act had its principal place of business; and, thereupon, the said body politic and corporate so formed as aforesaid shall exist for the time, and may and shall possess, exercise and enjoy all the powers, privileges, rights, liberties, easements, and franchises possessed by the said former corporation, and in the same manner and to the same extent

Filing cer-
tificate.

New cor-
poration.

and with the same force and effect as the same could have been exercised by the said former corporation had not such sale as aforesaid been made. And whenever, by the decree of the court having jurisdiction of the foreclosure proceedings, it has been adjudged, determined and found by the court what powers, privileges, rights, liberties, easements and franchises were possessed and enjoyed by the former corporation at the time of entering such decree and were therein ordered to be sold, the same shall be possessed and enjoyed by the new corporation to which they shall have been conveyed under and by virtue of the decree of foreclosure and sale, as provided for in the act hereby amended. But no omission in such decree to set forth or define any of the rights, privileges or franchises of such former corporation shall in any way impair the rights of such purchasers and of such new corporation to possess and enjoy all that was possessed by the former corporation at the time of such sale.

Omission
in decree.

§ 2. This act shall take effect immediately.

9 Edm. 616.

CHAP. 114.

Public
roads and
highways.

AN ACT to exempt certain towns of this State from the provisions of chapter four hundred and thirty-one of the laws of eighteen hundred and seventy-five, entitled "An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof."

PASSED April 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

What
towns are
exempt
from
assess-
ment for
public
road.

SECTION 1. All towns of this State whose real estate is assessed, as shown by their last assessment rolls, at an average price of less than five dollars per acre, are hereby exempted from the provisions of chapter four hundred and thirty-one of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof.'"

Commis-
sioners
to lay out,
alter or
discon-
tinue on
petition
of six free-
holders.

§ 2. The commissioners of highways of each of such towns so exempted from the provisions of the aforesaid act shall hereafter, upon written petition of six freeholders of such town praying for the laying out, alteration or discontinuation of any highway, and within thirty days from the date of such petition, proceed to the laying out, alteration or discontinuation of the road designated therein, and adjust, in the manner provided in the following section, all matter of damages arising from such laying out, alteration or discontinuation of road; and within ten days from the time such highway shall have been so laid out, altered or discontinued and matter of damages relating thereto duly adjusted, said commissioners shall file, in the office of the clerk of such town, their order therefor containing a correct survey of the laying out, alteration or discontinuation of such road, and a statement of the amount of damages allowed for the same; and, thereupon, the proceedings of said commissioners shall be deemed lawful, and any road, or alteration of road so laid out, shall become a highway and remain open to public travel.

Commis-
sioners
to file
order and
survey,
and
amount of
damages.

§ 3. The commissioners of highways of such town are authorized to adjust with owner or owners of lands upon which roads shall be laid out, discontinued or altered as aforesaid, any claim for damages by reason thereof, providing the amount allowed by said commissioners for each of such claims shall not exceed fifty dollars; and any sum so allowed by said commissioners in settlement of such damages claimed as aforesaid, not exceeding the said sum of fifty dollars, shall be a charge against the town in which such roads are located, to be audited by the board thereof; but whenever any person so entitled to damages by reason aforesaid shall conceive himself aggrieved by the adjustment of such damages as offered by said commissioners, or whenever said commissioners shall deem the value of such damages to exceed the aforesaid sum of fifty dollars, then said commissioners shall forthwith apply to any of the justices of the peace of such town to cause to be drawn, by the usual process of justice court, a jury of six freeholders, residents of such town, not of kin to the party or parties claiming said damages, nor interested therein, and upon notice of not less than six nor exceeding ten days issued by said justice and duly served upon each of said jurors and each of the parties claiming said damages; such jury so drawn, constituted, sworn and duly notified shall meet with the said commissioners of highways at the time and place stated in said notice to take a view of the road and premises for which said damages are claimed, to estimate the true nature and value of such damages and give their award for the same; and such award duly given in writing, signed by each of said jurors and certified by the said commissioners of highways, shall be deemed a final adjustment of such damages, and the same shall become a lawful charge against the town in which such road is located, to be audited by the board thereof.

Commissioners authorized to adjust claims for damages.

Jury to adjust claims.

§ 4. Each person acting as juror in the manner provided in the foregoing section shall receive one dollar per day of actual service, and the fees of the justice of the peace and constable for summoning such juries and issuing and serving notices shall be the same as those provided by law for the impaneling of juries by justice courts and serving of notices therefor, and the same shall be a charge against the town for which such services have been rendered.

Compensation of jurors.

§ 5. This act shall take effect immediately.

Ante, p. 147. See, also, ch. 465, L. 1877, *ante*, p. 466, and chap. 371, L. 1876.

CHAP. 115.

AN ACT further to amend chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and Territories."

Commissioners for other states and territories. 4 Edm. 441.

PASSED April 9, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other

Amending ch. 270. Laws 1850.

States and Territories," is hereby further amended so as to read as follows :

Commissioners authorized to act as such only within city or county where they shall reside when appointed.

§ 5. No commissioner appointed under or by virtue of this act shall be authorized to take the proof or acknowledgment of any deed or instrument, or to administer any oath or affirmation at any place other than within the city and county within which he shall reside at the time of his appointment, and every certificate of any such commissioner to any proof or acknowledgment taken before him, or to any oath or affirmation administered by him, shall specify the day on which and the town and county or the city within which the same was taken or administered ; and without such specification the said certificate shall be wholly invalid, inoperative and void.

§ 2. This act shall take effect immediately.

See ch. 136, L. 1875, and ch. 58, L. 1876, *ante*, pp. 67, 275.

CHAP. 122.

Jurors.

AN ACT to amend section six of title four, chapter two, article one, part four of the Revised Statutes.

PASSED April 15, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
4 R. S.
ch. 6.

SECTION 1. Section six of chapter two, article one, part four of the Revised Statutes is hereby amended so as to read as follows :

County clerk to prepare and deposit slips with names of jurors in box.

Destruction of box.

§ 6. On receiving such list the county clerk shall write the names of the persons contained therein, with their additions and places of residence, on separate pieces of paper, and shall roll up or fold such pieces of paper, each in the same manner as near as may be, so that the name written therein shall not be visible, and shall deposit such pieces of paper in a sufficient box from which they shall be drawn as hereinafter provided. If, from any cause, such box or the pieces of paper containing the names of jurors so deposited therein shall be lost or destroyed, the county clerk, in whose office such loss or destruction shall happen, shall forthwith provide a new box and again write the names of the persons contained in the list, so filed in his office, on separate pieces of paper and roll up or fold the same in the same manner as hereinbefore directed, and deposit the same in the box so provided by him.

§ 2. This act shall take effect immediately.

Ante, vol. 2, p. 744.

CHAP. 123.

AN ACT in relation to arrears of taxes in the city of New York, and to provide for the reissuing of revenue bonds in anticipation of such taxes.

New York city taxes, arrearages of.

PASSED April 15, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. At any time after the passage of this act, and before the first day of October, eighteen hundred and eighty, any person may pay to the comptroller of the city of New York the amount of any tax upon real property belonging to such person, heretofore laid or imposed and now remaining unpaid, together with interest thereon at the rate of seven per centum per annum, to be calculated from the time that such tax was imposed to the time of such payment, provided, also, that the time when such payment may be made on the amount of any such tax laid or imposed in the years eighteen hundred and seventy-seven, eighteen hundred and seventy-eight and eighteen hundred and seventy-nine shall extend to the first day of April, eighteen hundred and eighty-one. The comptroller shall make and deliver to the person making any such payment a receipt therefor, and shall forthwith cancel the record of any such tax on the books of the finance department; and upon such payment being made such tax shall cease to be a lien upon the property and shall be deemed fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum per annum upon any unpaid tax.

How arrears of taxes may be paid.

§ 2. Any revenue bond heretofore issued in anticipation of the taxes in the first section specified which may fall due and become payable before said taxes are collected, may be reissued by the comptroller of said city, in whole or in part, for such period as he may determine, not exceeding one year.

When comptroller may re-issue bonds.

§ 3. This act shall take effect immediately.

CHAP. 132.

AN ACT to alter and define the limits and boundaries of the first and third judicial districts of the city of New York, and to provide for the election of justices therein.

New York city Judicial Districts.

PASSED April 19, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first judicial district of the city of New York, now composed of the first, second, third and fifth wards thereof, shall, on and after the first day of January, eighteen hundred and eighty-two, be constituted and composed of the first, second, third, fifth and eighth wards of said city. The third judicial district of the city of

First District, boundaries of.

Third Dis-
trict,
bounda-
ries of.

New York, now composed of the eighth, ninth and fifteenth wards thereof, shall, on and after the first day of January, eighteen hundred and eighty-two, be constituted and composed of the ninth and fifteenth wards of said city.

Jurisdic-
tion of
First Dis-
trict.

§ 2. On and after the first day of January, eighteen hundred and eighty-two, the jurisdiction of the district court, in the city of New York, for the first judicial district, shall extend over the first, second, third, fifth and eighth wards of said city, hereby constituted the said first judicial district; and on and after the said first day of January, eighteen hundred and eighty-two, the jurisdiction of the district court, in the city of New York, for the third judicial district, shall extend over the ninth and fifteenth wards of said city, hereby constituted the said third judicial district.

Jurisdic-
tion of
Third Dis-
trict.

Election
of justices.

§ 3. At the general State election to be held in the city of New York, in the year eighteen hundred and eighty-one, justices shall be elected in and for the said first and third judicial districts, as the same are hereby constituted, in the same manner as the law now directs the justices of district courts in said city to be elected, who shall hold office for the term of six years from the first day of January, eighteen hundred and eighty-two.

Repealing
inconsist-
ent acts.

§ 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. But nothing in this act contained shall affect any action pending in either of said district courts on said first day of January, eighteen hundred and eighty-two, but such actions shall proceed to judgment and execution as effectually as if this act had not been passed.

§ 5. This act shall take effect immediately.

CHAP. 133.

Railroads.

AN ACT to amend sections nine and twenty-eight of chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same."

PASSED April 19, 1890.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 140,
Laws 1850,
4 Edm. 617.

SECTION 1. Section nine of chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," is hereby amended so as to read as follows:

Capital
stock, how
may be in-
creased.

§ 9. In case the capital stock of any company formed under this act is found to be insufficient for constructing and operating its road, such company may, with the concurrence of two-thirds in amount of all its stockholders, and the written approval of the State engineer and surveyor, until such time as there shall be appointed a board of railroad commissioners, and after that with the written approval of such board, increase its capital stock, from time to time, to any amount required for the purposes aforesaid. Such increase must be sanctioned by a vote in person, or by proxy, of two-thirds in amount of all the stockholders of the company, at a meeting of such stockholders, called by the directors of the company for that purpose, by a notice in writing

to each stockholder, to be served on him personally, or by depositing the same, properly folded and directed to him at the post-office nearest his usual place of residence, in the post-office, at least twenty days prior to such meeting. Such notice must state the time and place of the meeting, and its object, and the amount to which it is proposed to increase the capital stock. The proceedings of such meeting must be entered on the minutes of the proceedings of the company, and thereupon the capital stock of the company may be increased to the amount sanctioned by a vote of two-thirds in amount of all the stockholders of the company as aforesaid. A copy of such notice shall also be published within the county where the main office of such corporation shall be located, once a week for four weeks prior to such meeting, in a newspaper to be designated by the State engineer and surveyor, until such time as a board of railroad commissioners shall be appointed, and after that time by such board, and in no case, and under no circumstances, shall any railroad company of this State increase its stock except upon the notice and with the approval herein provided. Any officer or director of any railroad company violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not less than six months and by fine not exceeding one thousand dollars.

Notice to be published.

Penalties for violations.

§ 2. Section twenty-eight of said act is hereby further amended so as to read as follows:

§ 28. Every corporation formed under this act shall, in addition to the powers conferred on corporations in the third title of the eighteenth chapter of the first part of the Revised Statutes, have power

1. To cause such examination and surveys for its proposed railroad to be made as may be necessary to the selection of the most advantageous route; and for such purpose, by its officers or agents and servants, to enter upon the lands or waters of any person, but subject to the responsibility for all damages which shall be done thereto.

May enter upon lands for purpose of survey.

2. To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of its railroad; but the real estate received by voluntary grants shall be held and used for the purpose of such grant only.

May hold voluntary grants of real estate.

3. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its railroad, and the stations and other accommodations necessary to accomplish the objects of its incorporation; but nothing herein contained shall be held as repealing, or in any way affecting, the act entitled "An act authorizing the construction of railroads upon Indian lands," passed May twelfth, eighteen hundred and thirty-six.

May purchase, hold and use real estate.

Indian lands.

4. To lay out its road not exceeding six rods in width, and to construct the same; and for the purpose of cuttings and embankments, to take as much more land as may be necessary for the proper construction and security of the road; and to cut down any standing trees that may be in danger of falling on the road, making compensation therefor as provided in this act for lands taken for the use of the company.

Construction of road.

5. To construct their road across, along or upon any stream of water, water-course, street, highway, plank-road, turnpike, or across any of the canals of this State, which the route of its road shall intersect or touch; but the company shall restore the stream or water-course, street, highway, plank-road and turnpike thus intersected or touched to its former state, or to such state as not unnecessarily to

May construct road across any stream, canal and highway.

Bridges or obstructions prohibited.

Streets in cities not to be used without consent of corporation.

Along highways prohibited without consent of court. Amended by ch. 583, post, p.

Crossing and intersection with other railroads.

Conveyance of passengers and property.

Buildings and stations.

Time and manner of transportation.

May borrow money necessary for completion of road.

have impaired its usefulness. Every company formed under this act shall be subject to the power vested in the canal commissioners by the seventeenth section of chapter two hundred and seventy-six of the session laws of eighteen hundred and thirty-four. Nothing in this act contained shall be construed to authorize the erection of any bridge, or any other obstructions across, in or over any stream or lake navigated by steam or sail boats, at the place where any bridge or other obstructions may be proposed to be placed; nor to authorize the construction of any railroad not already located in, upon or across any streets in any city, without the assent of the corporation of such city; nor to authorize any such railroad company to construct its road upon and along any highway, without the order of the supreme court of the judicial district in which said highway is situated, made at a special term of said court, after at least ten days' notice in writing of the intention to make application for said order shall have been given to the commissioners of highways of the town in which said highway is situated.

6. To cross, intersect, join and unite its railroad with any other railroad before constructed, at any point on its route, and upon the grounds of such other railroad company, with the necessary turnouts, siding and switches and other conveniences in furtherance of the objects of its connections. And every company whose railroad is or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined by commissioners to be appointed by the court as is provided in this act in respect to acquiring title to real estate; and all companies whose railroads are or shall hereafter be crossed, intersected or joined, as aforesaid, shall receive from each other, and forward to their destination, all goods, merchandise and other property intended for points on their respective roads, with the same despatch, and at a rate of freight not exceeding the local tariff rate charged for similar goods, merchandise and other property received at and forwarded from the same points for individuals and other corporations.

7. To take and convey persons and property on their railroad by the power or force of steam or of animals, or by any mechanical power and to receive compensation therefor.

8. To erect and maintain all necessary and convenient buildings, stations, fixtures and machinery for the accommodation and use of their passengers, freights and business.

9. To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor; but such compensation for any passenger and his ordinary baggage shall not exceed three cents per mile. The re-enactment of this provision shall not be construed as increasing the rate of passenger fare which any railroad of this State is now authorized to charge.

10. From time to time to borrow such sums of money as may be necessary for completing and finishing or operating their railroad, and to issue and dispose of their bonds for any amount so borrowed, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the company for the purpose aforesaid; and the directors of the company may confer on any holder of any bond issued for money borrowed as aforesaid, the right to convert the

principal due or owing thereon, into stock of said company, at any time not less than two nor more than twelve years from the date of the bond, under such regulations as the directors may see fit to adopt; provided, however, that if the already authorized capital stock of such corporation, at the time such bonds may be issued, shall not be sufficient to meet such conversion when made the stockholders shall, before such issue and in the manner hereinbefore provided, authorize an increase of capital stock to an extent sufficient to meet the deficiency.

§ 3. This act shall take effect immediately.

Ante, vol. 4, pp. 619 and 627.

CHAP. 134.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs."

Savings
banks.

PASSED April 19, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-six of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs," is hereby amended so as to read as follows:

Amending
ch. 371,
Laws 1875.

§ 26. It shall be lawful for the trustees of any savings bank to invest the moneys deposited therein only as follows, namely:

Manner in
which
trustees
may law-
fully invest
moneys de-
posited.

First. In the stocks or bonds, or interest-bearing notes, or obligations of the United States, or those for which the faith of the United States is pledged to provide for the payment of the interest and principal.

Second. In the stocks or bonds of this State bearing interest.

Third. In the stocks or bonds of any State in the Union that has not, within ten years previous to making such investment by such corporation, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislature of such State to be contracted.

Fourth. In the stocks or bonds of any city, county, town or village of this State issued pursuant to the authority of any law of this State, or in any interest-bearing obligations issued by the city or county in which such bank shall be situated.

Fifth. In bonds and mortgages on unincumbered real estate situate in this State and worth at least twice the amount loaned thereon, but not to exceed sixty per centum of the whole amount of deposits shall be so loaned or invested; but in case the loan is on unimproved and unproductive real estate the amount loaned thereon shall not be more than forty per centum of its actual value; and no investment in any bond and mortgage shall be made by any savings bank, except upon

the report of a committee charged with the duty of investigating the same, and who shall certify to the value of the premises mortgaged, or to be mortgaged, according to their best judgment, and such report shall be filed and preserved among the records of the institution.

Sixth. In real estate subject to the provisions of section twenty-nine of this act.

Ante, p. 121.

CHAP. 135.

New York. AN ACT to simplify the proof of the Sanitary Code in the city of New York.

PASSED April 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sanitary
Code.

SECTION 1. The Sanitary Code adopted and declared as such at a meeting of the board of health of the health department of the city of New York, held in the city on the second day of June, one thousand eight hundred and seventy-three, is hereby declared to be the Sanitary Code mentioned and described in section eighty-two of an act entitled "An act to reorganize the local government of the city of New York," passed April thirtieth, eighteen hundred and seventy-three, and in all courts of justice or judicial proceedings proof of the said Sanitary Code, and of the proceedings of such board of health in relation thereto, by the production of the book of minutes of such meeting held as aforesaid, or a transcript of the record of such proceedings duly authenticated by the secretary of the said board of health, shall be held and taken as complete and valid evidence of the said Sanitary Code, its due adoption, enactment and publication; and such Sanitary Code shall be deemed in full force and operative in the city of New York, save as duly modified or repealed by the said board of health.

§ 2. This act shall take effect immediately.

CHAP. 139.

Manufac-
ture of
salt.

AN ACT concerning the manufacture of salt and the inspection thereof.

PASSED April 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Superin-
tendent
may allow
salt to be
manufac-
tured with-
out extrac-
ting impu-
rities, such
salt to be
branded as
agricul-
tural.

SECTION 1. The superintendent of the Onondaga salt springs shall allow salt made from the brine of said springs to be manufactured on the Onondaga salt springs reservation, without extracting the bitterns or impurities from such salt; but all such salt, whether shipped loose, in bags, barrels or packages, shall be designated and branded as impure and agricultural salt.

§ 2. No salt which, under the rules and regulations now in force, is entitled to be inspected as first quality, shall be inspected until the same shall be called for to be immediately shipped from the manufactory where the same is made; but if any loose salt, or salt contained

in bags, barrels or packages shall, after the same has been inspected, have been kept in damp or exposed situations, without being properly sheltered or protected, and consequently injured, blackened or stained, either in the salt or in the package containing the same, such salt shall be re-inspected and rebranded as second quality, and the absolute weight as well as the quality shall be determined by the brand of the superintendent of the Onondaga salt springs. Inspection.

§ 3. No dairy salt shall be made on the Onondaga salt springs reservation from salt made by boiling unless the same shall, in addition to the ordinary process of making the salt, be purified by a chemical process, so as to take from it all impurities as far as can be, to render it equal to the best standard of dairy salt known in the markets of this State. Dairy salt.

§ 4. This act shall take effect immediately.

CHAP. 140.

AN ACT to place and maintain shareholders of State banks, in the assessment and taxation of their shares of stock, upon an equality with shareholders of national banks. Taxation of bank stock.

PASSED April 21, 1890 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The shareholders of any bank, banking association, or corporation doing a banking business under the general banking law or a special charter of this State, shall be assessed and taxed with respect to their shares of stock, only at the same rate and place, to the same extent, and in the same manner as shareholders of national banks may be liable at the same time to be assessed and taxed by authority of the State of New York ; provided, however, that no debts shall be deducted from any such assessment of any person applying for the benefit of this act, which have been deducted from the assessment of other personal property of such person, and in making application for such deduction every person making the application shall make oath that he has not applied to have such debts deducted from any other assessments against him, and that no such deduction has been made. Shareholders to be taxed only at same rate as shareholders of national bank stock.
No debts to be deducted from assessment which have been deducted from assessment of other personal property.

§ 2. It is hereby declared that the true intent and meaning of this act is to place and maintain shareholders of banks, associations and corporations aforesaid upon an equality, in the particulars in this act referred to, with the shareholders of national banks organized under the act of congress entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof, approved June third, eighteen hundred and sixty-four;" and all acts and parts of acts inconsistent with the provisions hereof are hereby repealed. Intent of act to put shareholders on an equality with shareholders of national bank stock.

§ 3. This act shall take effect immediately.

CHAP. 142.

Suffrage ascertained of citizens entitled to.

AN ACT to ascertain the citizens of the several towns in any county of this State having a population of over three hundred thousand according to the last census, who shall be entitled to the right of suffrage therein.

PASSED April 22, 1880; three-fifths being present.

The People of the State of New York represented in Senate and Assembly, do enact as follows:

Filing of request. Town clerks, justices of the peace and supervisors to constitute board.

SECTION 1. Whenever fifty or more resident citizens and legal voters of any town, in any county in this State having a population of over three hundred thousand according to the last State census, shall file in the office of the town clerk of such town, in writing, a request that the citizens of such town, entitled to the right of suffrage, be ascertained, the town clerk shall, within five days thereafter, notify the justices of the peace and supervisor of said town to meet, and in such notice shall name a time and place in said town, not less than three or more than ten days thereafter, for them to meet. Such justices and supervisor and the town clerk shall at the time and place so designated meet, and shall constitute a board with power to do and perform the acts and duties hereinafter required.

Four necessary for a quorum.

§ 2. The presence of at least four of said board shall be necessary to constitute a quorum. When so convened they shall proceed to appoint, under their hands and seals, five citizens and legal voters of said town, who shall have been residents of said town for at least one year next before their appointment as registers, to act as and be known as the board of registry of said town. Said registers shall be selected from the two opposing political parties which cast the greatest number of votes at the then next preceding general election, and not more than three of them shall be at any time taken from or belong to either of said political parties. If any person so appointed fails or refuses to serve, or if a vacancy at any time shall occur, the other members of the board shall fill the vacancy by appointment.

Appointment of registers.

Organization of Board of Registry. Time and places of registry.

§ 3. The persons so appointed shall be notified by the town clerk within five days thereafter, and thereupon and at least thirty days before the next annual town meeting or general election, they shall meet and organize as a board of registry by electing a chairman and clerk. They shall then fix the times and places at which they will meet for the purpose of ascertaining the citizens of said town entitled to the right of suffrage therein, which meetings shall be on four different days, from eight o'clock in the morning until nine o'clock in the evening, for the purpose of registration, the last day shall be for the purpose only of revising and correcting the roll, and shall be at least ten days before the next ensuing annual town meeting or general election.

Board to give notice of meeting.

§ 4. The said board of registry shall immediately after organization cause such notice of their meetings for registration to be given, as in their judgment shall be reasonable and sufficient, by advertising the same in at least one newspaper of each party, if there be one having a circulation in said town, and by posting ten or more notices in such town, in as many public and conspicuous places as they shall deem necessary and sufficient to notify the resident electors of said town.

§ 5. No person shall be entitled to vote at, or take part in, such election or town meeting except as ascertained to be entitled to the right of suffrage, as herein provided.

Majority of board may act and pass on lists.

§ 6. At the times of meeting of the board of registry, they, or a majority of them, shall have power to act, and shall take and enter on five lists the name and residence of each person appearing before them and claiming to be qualified and entitled to the right of suffrage, who shall not be challenged. And the citizens of such town entitled to and claiming the right to vote at the ensuing election, or annual town meeting, may attend before said board of registry for the purpose of registration.

Challenged party to take oath.

§ 7. If any person so offering himself for enrollment shall be challenged by any member of said board, or by any person entitled to vote in said town, the said board of registry, or any member thereof, shall tender to him the oath required to be administered to persons when votes are challenged at general elections. And if the same is taken,

then the name of such person shall be entered on the list of voters, and not otherwise. And it shall be the duty of every member of said board to challenge every person offering himself for registration who is, in his opinion, not entitled to vote, and who will not be entitled to vote at the next ensuing election or town meeting.

Duty of members of board to challenge.

§ 8. Any person not born in the United States, claiming to be a citizen by naturalization, applying to have his name placed on the registry, must produce a certificate of naturalization from a court of competent jurisdiction, or prove by his oath or affirmation to the board of registry that such a certificate has been issued, and that the same has been lost or destroyed.

Naturalized citizens must produce certificate.

§ 9. The said board of registry shall make one complete list of all the names registered, in alphabetical order, for each election district, with the place of residence of each, as near as may be, which shall be signed by the members of said board and filed by them in the town clerk's office of said town at least one week preceding every town meeting and general election; and said town clerk shall cause a copy thereof, certified by him, to be delivered to the officers presiding at the ensuing annual town meeting, and at each election district at the annual general election in said town at the opening of the polls, who shall reject the vote of any person not on said list. But any registered person offering to vote at such election or town meeting may be challenged, the same as if this act had not been passed; and no person shall be allowed to vote save in the election district of which he is a resident.

Board to make alphabetical list.

Copies to be given to officers of town meeting and to inspectors.

No person to vote out of his district.

§ 10. On the Saturday preceding the day of election it shall be the duty of the said registers of election to hold a meeting from four to ten o'clock P. M. for the revising and correcting the registries of election, to receive testimony and arrange for challenge at the polls; but no name shall be added to any registry at such meeting, except upon proper proofs being furnished that the person applying for registration was sick or absent from the town on all days when the said registers had theretofore met for the purpose of registering votes, or that such person had become a citizen by naturalization ten days prior to the day of election.

Meeting for revising and correcting registry.

§ 11. Any officer of the town or any member of the board of registry charged with any of the duties herein imposed who shall willfully or corruptly neglect or refuse to perform any of the duties herein intrusted to or devolved upon him shall be guilty of a misdemeanor and punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

Penalties for neglect or refusal to perform duties.

§ 12. Any person who shall, with the intent of voting illegally at any such annual town meeting or election, procure or cause his name to be entered or enrolled as entitled to the right of suffrage in said town, being at the time a non-resident in said town, or otherwise disqualified to vote therein, and knowing or having reason to believe that he will not be entitled to vote at the ensuing election or town meeting therein, shall be deemed guilty of a misdemeanor and punishable by fine not exceeding two hundred and fifty dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

Penalty for illegal registration.

§ 13. Any person who shall willfully and corruptly swear falsely before said board of registry shall be guilty of perjury.

Perjury

§ 14. Before said board of registry shall commence the registration of voters, as herein provided, each member of it shall take and subscribe an oath that he will, in all respects, well, faithfully and honestly

Board to subscribe an oath for faithful

perform-
ance of
duties.

discharge and perform all his duties as a member of such board of registry, which oath shall be filed in the office of the town clerk of said town.

Board to
serve two
years.

§ 15. The members of said board of registry shall hold their office for two years from the time of their appointment.

Compensa-
tion.

§ 16. The members of the board of registry and the justices of the peace, while in the discharge of their duties hereby created, shall receive two dollars per day and all necessary expenses, which shall be audited and allowed by the board of town auditors.

§ 17. This act shall take effect immediately.

CHAP. 144.

Villages. AN ACT to amend section five, title three of chapter two hundred and ninety-one, laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED April 22, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 291,
Laws 1870.

SECTION 1. Section five, title three of chapter two hundred and ninety-one, laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

Trustees
author-
ized to
organize
fire depart-
ments.

§ 5. The trustees are authorized and empowered to organize a fire department, and provide for the government and discipline of the same, to consist of one or more engine companies, one or more hook and ladder companies, and one or more hose companies, and one or more protective companies ; to appoint a sufficient number of suitable persons as members, not exceeding sixty to each engine company, and not exceeding forty-five to each hook and ladder company, and not exceeding twenty to each hose company and protective company, with the consent of the persons appointed ; a foreman and assistant foreman for each company shall be chosen by the members of each company in the manner to be directed by the trustees, and subject to their approval and ratification.

Ante, vol. 7, p. 690.

CHAP. 145.

Livery
stable
keepers.

AN ACT to amend section one of chapter four hundred and ninety-eight of the laws of eighteen hundred and seventy-two, entitled "An act for the protection of livery-stable keepers and other persons keeping horses at livery or pasture."

PASSED April 22, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 498,
Laws 1872.

SECTION 1. Section one of chapter four hundred and ninety-eight of the laws of eighteen hundred and seventy-two, entitled "An act for the protection of livery-stable keepers and other persons keeping

horses at livery or pasture," is hereby amended so as to read as follows:

§ 1. It shall be lawful for all persons keeping any animals at livery or pasture, or boarding the same for hire, under any agreement with the owner thereof, to detain such animals until all charges under such agreement for the care, keep, pasture or board of such animals shall have been paid; provided, however, that notice in writing shall first be given to such owner in person, or at his last known place of residence, of the amount of such charges and the intention to detain such animal or animals until such charges shall be paid; and such persons may at any time maintain an action in any of the courts of this State to enforce such lien and procure a sale of the said animals for the payment of said keeping, pasture and board, and the costs of such action, whenever such sum shall exceed fifty dollars.

§ 2. This act shall take effect immediately.

Ante, vol. 9, p. 876.

Keepers may detain animals until charges for boarding or pasture are paid, and maintain an action to enforce such lien.

CHAP. 149.

AN ACT amending the Code of Civil Procedure.

PASSED April 26, 1880; three-fifths being present.

Code of Civil Procedure.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Code of Civil Procedure, as enacted on the second day of June, eighteen hundred and seventy-six, and amended by subsequent statutes, is hereby amended as follows, that is to say: Section eight hundred and thirty-one, so that it will read as follows:

Amending Code of Civil Procedure.

§ 831. A husband or a wife is not competent to testify against the other upon the trial of an action, or the hearing upon the merits of a special proceeding founded upon an allegation of adultery, except to prove the marriage. A husband or wife shall not be compelled, or without consent of the other, if living, allowed to disclose a confidential communication made by one to the other during marriage. In an action for criminal conversation, the plaintiff's wife is not a competent witness for the plaintiff, but she is a competent witness for the defendant as to any matter in controversy, except that she cannot, without the plaintiff's consent, disclose any confidential communication had or made between herself and the plaintiff.

Husband or wife incompetent to testify against one another in trial for adultery.

§ 2. This act shall take effect immediately.

The amendment restores the first sentence, which was stricken out in 1879.

CHAP. 154.

AN ACT in relation to the sheriff of the city and county of New York city.

PASSED April 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sheriff of the city and county of New York shall keep his office open for the transaction of business every day in the

Sheriff, when office shall

be kept
open

year except Sundays; the first day of January, commonly called new year's day; the twenty-second day of February, known as Washington's birthday; the thirtieth day of May, commonly called Decoration day; the day observed as the anniversary of American independence; election day; the day appointed by the governor of this State as a day of general thanksgiving, and the twenty-fifth day of December, commonly called Christmas, from nine o'clock in the forenoon to four o'clock in the afternoon. Whenever any of the holidays mentioned aforesaid shall fall on Sunday, the Monday next following shall be deemed and considered as the first day of the week or Sunday, and a public holiday.

§ 2. This act shall take effect immediately.

CHAP. 155.

Railroads. AN ACT to facilitate the carrying out of plans and agreements for the reorganization of railroads.

PASSED April 27, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When
stock
insuffi-
cient, how
company
may in-
crease.

SECTION 1. Whenever the maximum amount of capital stock, mentioned in the certificate of incorporation of any railroad or railway company on file in the office of the secretary of State, shall be insufficient to carry out any plan or agreement or reorganization set forth in such certificate of incorporation, it shall be lawful for the directors, or a majority of the directors of said company, to file an additional certificate with the secretary of State, which shall set forth the fact of such insufficiency and the additional amount of capital stock required to carry out such plan or agreement of reorganization, and thereupon, with the approval of the State engineer and surveyor, said company shall be authorized to issue such capital stock as fully as if the same had been mentioned or set forth in the original certificate of incorporation. Said additional certificate shall be filed in the office of the secretary of State within two months after the passage of this act.

§ 2. This act shall take effect immediately.

CHAP. 160.

Notaries
public.

AN ACT to amend chapter twenty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to limit the term of office of notaries public."

PASSED May 8, 1880; three-fifths being present.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 29,
Laws 1864.

SECTION 1. Section three of chapter twenty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to limit the term of office of notaries public," is hereby amended so as to read as follows:

* Not returned by the governor within ten days after it was presented to him, and became a law without his signature, May 8, 1880.

§ 3. The governor of this State is hereby authorized to appoint an additional number of notaries public to those now provided by law in each county in this State including the city of New York equal to the number of banks located therein on the application of each bank.

Governor authorized to appoint additional notaries.

§ 2. This act shall take effect immediately.

Ante, vol. 6, p. 226.

CHAP. 161.

AN ACT conferring upon the board of canal appraisers the power to allow amendments to claims. Canals.

PASSED May 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Power is hereby given the board of canal appraisers in furtherance of justice, without terms, to allow amendments to claims now or hereafter filed in their office, at the same time and in the same manner as amendments are allowed to pleadings in the supreme court, but no additional claim for damages shall be allowed under this act; provided, however, that no claim barred by the provisions of section two of chapter three hundred and twenty-one of the laws of eighteen hundred and seventy shall be revived under or by virtue of this act.

Appraisers have power to allow amendments to claims.

§ 2. This act shall take effect immediately.

CHAP. 164.

AN ACT to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State commissioner in lunacy."

Insane asylums.

PASSED May 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section fourteen of title first, article first of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State commissioner in lunacy," is hereby amended so as to read as follows:

Amending ch. 446, Laws 1874.

§ 14. When a person in indigent circumstances — not a pauper — becomes insane, application may be made in his behalf to any county judge, special county judge, judge of a superior court or common pleas of the county where he resides, and said judge shall fully investigate the facts of the case, both as to the question of his indigence as well as to that of his insanity. And if the judge certifies that satisfactory proof of his insanity has been adduced, and that his estate is insufficient to support him and his family (or, if he has no family, himself)

Indigent insane, application to be made to county judge.

Judge to give notice of time of hearing.

Judge may require friends to give security to remove patient when cured.

Filing of papers.

Supervisors to raise money for expenses.

When friends have paid expenses for six months, supervisors are authorized to raise funds for another year.

while under the visitation of insanity, then it shall be the duty of any judge, before whom application for that purpose is made, to cause reasonable notice thereof, and of the time and place of hearing the same to be given to one of the superintendents of the poor of the county chargeable with the expense of supporting such person in a State asylum, if admitted, and he shall then proceed to ascertain when such person became insane. On granting such certificate the judge may, in his discretion, require the friends of the patient to give security to the superintendent of the poor of the county to remove the patient from the asylum as soon as he shall recover. But in every case where a patient is admitted into an asylum, as hereinbefore provided, shall have remained there two years and has not recovered, the managers of the asylum may, in their discretion, cause such person to be returned to the county whence he came, and charge the expense of such removal to the county. The judge granting said order of indigence shall file all papers belonging to such proceedings, together with his decision, with the clerk of the county, and report the facts to the supervisors, whose duty it shall be, at their next annual meeting, to raise the money requisite to meet the expenses of support of such indigent lunatic.

§ 2. Section fifteen of the above-mentioned act is hereby amended so as to read as follows:

§ 15. When an insane person in indigent circumstances — not a pauper — shall have been sent to any State asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient and likely to be benefited by remaining in the institution, the supervisors of the county of his residence are authorized and required, upon an application, under oath, in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there another year, and to pay the same to the treasurer of the asylum. And they shall repeat the same for two years more upon like application and the production of a new certificate of like import from the superintendent of such asylum.

§ 3. This act shall take effect immediately.

Ante, vol. 9, p. 923.

CHAP. 167.

Religious societies.

AN ACT to amend section three of chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-six, entitled "An act supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies,'" and the acts supplemental thereto.

PASSED May 4, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending ch. 176, laws 1876.

SECTION 1. Section three of chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-six, entitled "An act supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies,'" and the acts supplementary thereto, is hereby amended so as to read as follows:

Religious societies.

§ 3 Any two or more of the corporations, aforesaid, are hereby authorized to unite and consolidate themselves into a single corpo-

ration of the denomination to which at least one of such corporations shall belong, in the manner following: The said corporations may enter into an agreement under their respective corporate seals, for the union and consolidation of the said corporations, setting forth the terms and conditions thereof, the name of the proposed new corporation, the church or denomination to which it shall belong, the names of the persons who shall be the churchwardens and vestrymen, or elders and deacons or trustees, or other officers as the case may be, until the first annual election of the proposed new corporation, and fixing the day of such election. But in the case of the Protestant Episcopal churches, no such agreement shall be valid unless approved by the bishop and standing committee of the diocese in which such churches are situated; and in case of Presbyterian churches, a union under this act shall not be valid unless approved by the presbytery with which such churches are connected. Each of the said corporations may make its separate petition to the supreme court in the judicial district in which such corporations are situated, for an order for such union and consolidation; setting forth in such petition the reason for such union and consolidation, the agreement made as hereinbefore provided, and a statement of all its property, real and personal, all its debts and liabilities, and the amount and sources of its annual income. Upon such petition from each of such corporations so proposing to be united and consolidated, and upon the said agreement satisfactorily proved or certified, the supreme court may, in case it shall deem it proper, make an order for the union and consolidation of such corporations, determining all the terms and conditions and provisions thereof. All parties interested therein may be heard on such petition. When such order is made and entered according to the practice of the court, the said corporations shall be united and consolidated into one corporation by the name designated in the order, and it shall have all the rights and powers, and be subject to all the obligations of religious corporations under the act to which this is supplementary, and the acts amendatory thereof and supplementary thereto.

how they
may unite.

§ 2. This act shall take effect immediately.

Ante, p. 289.

CHAP. 168.

AN ACT to amend chapter nine hundred and two of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize life insurance companies to make special deposits of securities in the insurance department, and to authorize the superintendent of said department to require special reports of such companies, passed April twenty-fourth, eighteen hundred and sixty-seven, and, also, to provide for the appointment of receivers of such depositing companies in certain cases'"

Life insurance
companies.

PASSED May 5, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of chapter nine hundred and two of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize life insurance companies

Amending
ch. 902,
laws 1880.

to make special deposits of securities in the insurance department, and to authorize the superintendent of said department to require special reports of such companies, passed April twenty-fourth, eighteen hundred and sixty-seven, and, also, to provide for the appointment of receivers of such depositing companies in certain cases," is hereby amended so as to read as follows:

Receiver
to appoint
actuary.

Examin-
ation.

Confirm-
ation of
report.

How no-
tice shall
be given.

Insuf-
ficiency.

Court may
direct con-
version of
securities.

How pro-
ceeds to be
applied.

§ 8. The said receiver shall immediately on entering upon the duties of his office appoint a competent actuary, approved by the superintendent of the insurance department, who shall make a careful investigation according to the standard fixed by the laws of this State into the condition of said company and report thereon in writing, under oath, to said court, the said superintendent and receiver; and if it shall, by said report, be found that the securities deposited by said company in the insurance department, and the assets and credits including the future premiums that will mature on the outstanding policies and other obligations of said company, are sufficient under the laws of this State to pay all the policies, annuities and other obligations of said company as they may mature by the terms thereof, and the legal costs and expenses incident to the business, and if upon due notice to the superintendent said actuary's report shall be confirmed by the court, the said receiver shall notify all the holders of said policies, annuities and other obligations requiring them to pay to him, as such receiver, all premiums or other payments due or to become due to said company, from time to time, on their respective policies, annuities or other obligations. Such notice shall be given by depositing the same in the post-office at the place where said company has its principal business office, addressed to said parties respectively at their several residences, so far as the same can be ascertained by said receiver, and also by the publication thereof in the State newspaper, published in the city of Albany, once a week for six consecutive weeks, or on the confirmation of the report of said actuary, the court may, in its discretion, direct the receiver to reinsure all registered policies in some solvent company on the execution by said receiver of an assignment to said reinsuring company of all securities on deposit in trust for registered policy-holders. And in case the said report of the said actuary shall show that the said securities, assets, credits and premiums are not sufficient under the laws of this State to pay all the policies, annuities and other obligations of said company as they may mature by the terms thereof, and the legal costs and expenses of said receivership, and the said report shall, upon due notice to the superintendent, be confirmed by the court, the court may direct the conversion of the securities held by the superintendent into money for the purpose of distribution, and the superintendent shall thereupon, with the consent and advice of the treasurer of the State, and in such manner as the said receiver, superintendent and treasurer, or a majority of them, shall determine, sell and convert said securities into money; and the proceeds of such securities, when required for distribution, and when the court shall make an order for that purpose with suitable provisions for the safety of the moneys, shall be paid to the said receiver on his giving his receipt to said superintendent, and shall be applied by said receiver, under the direction of the court, as follows: To the payment of the registered policy-holders of said company, in a proportion to the net value of their policies respectively, and to the registered annuities of said company, in proportion to the then present value of their respective annuities, as estimated by the legal standard for valu-

ing life insurance and annuity obligations within this State. The surplus of the proceeds of such securities, if any there be after the payments last above mentioned, with all the other assets of the said company, shall be then applied to the payment of all the just debts of said company incurred in the conducting and carrying on its lawful business. Surplus.

§ 2. This act shall take effect immediately.

Ante, vol. 7, p. 509.

CHAP. 170.

AN ACT to provide for the compilation and revision of the laws of the State of New York affecting banks, banking and trust companies.

Banks, banking and trust companies.

PASSED May 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Within twenty days after the passage of this act, the governor, by and with the advice and consent of the senate, is authorized to appoint three persons as commissioners to compile and revise all statutes of the State of New York affecting banks, banking and trust companies which shall be in force at the time such commissioners shall make their report, and in the execution of their duties, said commissioners shall have free access to any of the public records and papers of the State, and be permitted to examine the same without fee or reward.

Revision of laws.

Governor to appoint commissioners.

§ 2. When the said commissioners shall have completed the compilation and revision of the statutes as aforesaid, they shall cause a printed copy of the same to be submitted to the legislature for the year eighteen hundred and eighty-one, and at the same time, they shall suggest to the legislature such omissions, contradictions and other imperfections as may appear in the original text with their recommendations for amendment, either by repeal or by supplementary or explanatory legislation, with their reasons for such recommendations.

Commissioners to report to legislature.

§ 3. Each of said commissioners shall serve without pay.

Commissioners to serve without pay.

§ 4. The reasonable expenses of said commissioners for clerical services and other incidental disbursements, providing the same does not exceed the sum of five thousand dollars, shall be paid to them from time to time upon the requisition therefor upon the comptroller of the State, to be paid into the treasury by the banks, banking and trust companies in the same manner as other expenses of the banking corporations are now paid.

Expenses.

§ 5. In case the said commissioners, or either of them, shall refuse to act in the premises or shall die, resign or remove from the State before the completion of the duties assigned to them, it shall be the duty of the governor to appoint others or another in their or his stead, who shall have the powers aforesaid.

Governor may fill vacancies.

§ 6. This act shall take effect immediately.

CHAP. 172.

AN ACT to amend section ninety of chapter four hundred and twenty-six of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of villages."

Villages.

PASSED May 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section ninety of chapter four hundred and twenty-six of the laws of eighteen hundred and forty-seven, entitled "An act to

Amending ch. 426, laws 1847.

provide for the incorporation of villages," is hereby amended so as to read as follows:

Applica-
tion for
incorpora-
tion.

Trustees
to call
meeting of
electors.

Questions
of disin-
corpora-
tion to be
submitted
a second
time.

Ballots,
now de-
posited.

Disposi-
tion of
property
of disin-
corporat-
ed village.

Suits at
law not
affected.

§ 90. When an application in writing, signed by at least one-fourth as many persons entitled to vote for village officers in any incorporated village, as voted for such officers at the next preceding election thereof, shall be made to the trustees of such village to call a meeting of the electors thereof to determine whether the same shall continue to be an incorporated village, such trustees shall call such meeting and preside as inspectors thereat, and the same shall be notified and held, the votes given thereat canvassed, the result declared, and a certificate thereof made and recorded in the same manner, as nearly as practicable, as in case of the election of village officers. The polls at such meeting shall be kept open from ten o'clock in the forenoon to four o'clock in the afternoon; and every such elector may vote thereat by a ballot having thereon the word "yes" or the word "no." If a majority of all the ballots given shall have thereon the word "no," the question of disincorporation shall be again submitted to the voters at the first regular village election thereafter, provided a period of not less than six months shall intervene between the time of holding such meeting and the first regular village election thereafter; but if a period of six months shall not intervene between the time of holding such meeting and the first regular village election thereafter, then the question shall be submitted at the second regular village election after the holding of such meeting. The ballots cast on the question of disincorporation at such regular village elections shall be deposited in a separate box, and shall have thereon the word "yes" or the word "no," and shall be canvassed, the result declared, and a certificate thereof made and recorded in the same manner as in case of the election of village officers. If a majority of all the ballots given shall have thereon the word "no," such village shall, at the expiration of six months from the time of holding such second meeting, cease to be an incorporated village, and within that period such trustees shall call a special meeting of such electors, to direct as to the disposition of the property of such village, and at such meeting such electors may direct such property as shall remain after paying all claims for which such village shall be liable, to be disposed of in such manner as they shall deem proper. At the expiration of the said six months, all the records, books and papers belonging to such village shall be deposited with the town clerk of the town in which the same shall be located, or if located in more than one town, then with the town clerk of one of such towns, whose duty it shall be to preserve the same with the town records and papers of his town, and the supervisor of such town, or if such village is located in more than one town, the supervisors of such towns shall be the trustee or trustees of the property of such village. No suit in which such village shall be a party, nor any claim for or against such village, shall be affected by its ceasing to be an incorporated village.

§ 2. This act shall take effect immediately.

Ante, vol. 3, pp. 789 and 809.

CHAP. 175.

AN ACT conferring additional powers upon boards of supervisors for the laying out highways through unoccupied and unimproved tracts of land. Highways.
Supervisors.

PASSED May 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of any county in this State containing more than three hundred thousand acres of unoccupied and unimproved forest lands, in addition to the powers now possessed by said board, is hereby authorized to establish separate highway districts in such county, for the purpose of laying out and constructing highways through such unimproved and unoccupied tracts of land in such county; such highway district to be established upon the application of the owners of more than one-half of the non-resident lands to be included therein. Any highway district established under the provisions of this act shall consist of contiguous tracts or parcels of land and may include within its limits parts of one or more towns, and the same may be changed, altered or abolished at any time by said board of supervisors. The said board of supervisors shall have power to appoint a commissioner or commissioners to lay out and construct highways in any such district and to prescribe their powers and duties, and may also direct the manner in which highway taxes shall be assessed, levied and collected upon the lands embraced in any such district, and likewise the manner of expenditure thereof. The said board of supervisors may also authorize commissioners appointed under this act to borrow money on such terms as said board shall direct, but not exceeding the estimated amount of ten years' highway taxes upon the lands embraced within the district in which such loan is authorized, and may, for the purpose of repaying any such loan, set apart and appropriate the highway taxes upon lands in any such district for a period not exceeding ten years from the time of making such loan. What boards may establish highways.

May include parts of one or more towns.

Supervisors may appoint commissioners, levy taxes, and authorize the borrowing of money. Limit.

§ 2. This act shall take effect immediately.

CHAP. 176.

AN ACT concerning tramps. Tramps.

PASSED May 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every tramp, upon conviction as such, shall be punished by imprisonment at hard labor in the nearest penitentiary for not more than six months, the expense during such imprisonment not to exceed one dollar a week per capita, to be paid by the State. Punishment of.

§ 2. All persons who rove about from place to place begging, and all vagrants living without labor or visible means of support, who stroll over the country without lawful occasion, shall be held to be tramps within the meaning of this act. Who are.

§ 3. Any act of vagrancy by any person not a resident of this State shall be evidence that the person committing the same is a tramp within the meaning of this act.

Entering buildings against will of owner, and carrying dangerous weapons, a felony.

§ 4. Any tramp who shall enter any building against the will of the owner or occupant thereof, under such circumstances as shall not amount to burglary or willfully or maliciously injure the person or property of another, which injury under existing law does not amount to a felony or shall be found carrying any fire-arms or other dangerous weapon, or burglars' tools, or shall threaten to do any injury to any person or to the real or personal property of another, when such offense is not now punishable by imprisonment in the State prison, shall be deemed guilty of felony, and, on conviction, shall be punished by imprisonment in the State prison at hard labor, for not more than three years.

Any resident of town may arrest.

§ 5. Any person being a resident of the town where the offense is committed may, upon view of any offense described in this act, apprehend the offender and take him before a justice of the peace or other competent authority.

To whom act does not apply.

§ 6. This act shall not apply to any person under the age of sixteen years, nor to any blind person, nor to any person roving within the limits of the county in which he resides.

Commutation of sentence.

§ 7. Any person convicted under this act shall be entitled to the same commutations of sentence as now provided by law for any prisoners committed to the State prison or penitentiary.

Copy of act to be posted.

§ 8. Upon the passage of this act the secretary of State shall cause to be printed copies of this act to be sent to the several town clerks, who shall cause the same to be posted in at least twelve conspicuous places; six of which shall be in the public highway.

§ 9. This act shall take effect immediately.

CHAP. 179.

Taxation. AN ACT to authorize the comptroller to admit the unpaid taxes of the year eighteen hundred and seventy-nine, assessed upon lands in the several counties of the State which were bid in by the State at the tax sale of eighteen hundred and seventy-seven, and to which the State acquired title from said tax sale.

PASSED May 6, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comptroller authorized to admit unpaid taxes of 1879.

SECTION 1. The comptroller is hereby authorized and required to admit the unpaid taxes of the year eighteen hundred and seventy-nine, assessed upon lands in the several counties of this State to which the State acquired title from the tax sale of eighteen hundred and seventy-seven, in the same manner as if said lands had not become the property of the State; and the taxes so admitted shall be a lien upon said lands. And whenever any such lands shall be sold by the State, all taxes which may remain unpaid thereon on the books of the comptroller's office shall be paid by such purchaser before any patent shall be issued therefor.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 181.

AN ACT to authorize the reception and treatment in Bellevue Hospital of persons who do not reside in the city of New York.

Bellevue hospital.

PASSED May 6, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners of the department of public charities and correction in the city of New York are hereby authorized, in their discretion, to permit the reception and treatment in Bellevue Hospital of persons who do not reside in the city of New York, provided that every person so received and treated shall be required to pay such sum for board and attendance as may be fixed by said commissioners. All sums so paid shall be reported by the said commissioners to the comptroller, and paid over to the chamberlain of said city once in every three months, and shall be added to, and form a part of, the annual appropriation made by the board of estimate and apportionment for supplies for said department, and may be expended in the same manner as the moneys appropriated for that purpose by said board of estimate and apportionment.

Non-residents of New York city may be received and treated

§ 2. This act shall take effect immediately.

CHAP. 182.

AN ACT to authorize corporations formed for the erection of buildings to mortgage their property and franchises.

Building corporations.

PASSED May 6, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any company formed under the act entitled "An act to authorize the formation of corporations for the erection of buildings," passed April fifth, eighteen hundred and fifty-three, or of the acts amending or extending said act, may secure the payment of any debt heretofore contracted or which may be contracted by it in the purchase of property for the business for which it is incorporated, by mortgaging, including right to issue mortgage bonds on all or any part of the real estate, goods and chattels of such corporation, and also the franchises, privileges, rights and liberties, provided that the written assent of a majority of the stockholders owning at least two-thirds of the capital stock of such corporation shall first be filed in the office of the clerk of the county where the corporation has its principal place of business, and also in the office of the clerk of the county where such real estate, goods and chattels are situated.

May mortgage property and franchises.

§ 2. This act shall take effect immediately.

For the act of 1853, see vol. 8, p. 783.

CHAP. 184.

AN ACT to prevent the bribing and corrupting of officers of the Seneca Nation of Indians.

PASSED May 6, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Every person who shall promise, offer or give, or cause or aid, or abet in causing to be promised, offered or given, or furnish, or agree to furnish, in whole or in part, to the president or to any counselor, peace-maker, or other officer of the Seneca Nation of Indians, any money, goods, right in action, or other property or any thing of value, or any pecuniary or other indi-

Promise of gifts, etc., prohibited.

Punishment. vidual advantage, present or prospective, with intent to influence his vote, opinions, judgment or action, upon any question, matter, cause or proceeding which may be pending, or may be brought before him in his official capacity, shall, upon such conviction, be imprisoned in the State prison not exceeding five years, or shall be fined not exceeding one thousand dollars, or both, in the discretion of the court.

Acceptance of gifts, etc., prohibited. § 2. Every officer in the last enumerated section, who shall accept any such gift, thing of value or any promise to make the same, under any agreement that his vote, opinion, judgment or action, shall be influenced thereby, or shall be given in any particular manner, or upon any particular side of any question, matter, cause or proceeding then pending, or which may be brought before him in his official capacity, shall, upon conviction, be forever disqualified from holding any office, trust or appointment under the constitution or laws of the Seneca Nation of Indians, and shall forfeit his office and shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding two hundred dollars, or both, in the discretion of the court.

Punishment.

Conveying gifts, etc., prohibited.

Offenders competent witnesses.

§ 3. Every person who shall knowingly bear or convey any such gift, gratuity or proposal, or shall in any manner negotiate between any other persons for any act in violation of the provisions of the preceding sections shall, upon conviction, be punished in like manner and to the same extent as the principal offender, respectively, would be liable to be punished under the provisions of this act.

§ 4. Every person offending against either of the provisions of the preceding sections shall be a competent witness against any other person so offending, and may be compelled to appear and give evidence before any magistrate or grand jury as in any court in the same manner as other persons, but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

§ 5. This act shall take effect immediately.

CHAP. 186.

Public conveyances. AN ACT to repress and punish disorderly conduct on public conveyances.

PASSED May 6, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Disorderly conduct a misdemeanor.

SECTION 1. Any person who shall by any offensive or disorderly act or language, annoy or interfere with the passengers of any public stage, railroad car, ferry boat, or other public conveyance, or who shall disturb or offend the occupants of such stage, car, boat or conveyance, by any disorderly act, language or display, although such act, conduct or display may not amount to an assault or battery, shall be deemed guilty of a misdemeanor, and any police justice or justice of the peace of the city or county in which any such act shall be committed, shall have jurisdiction thereof.

§ 2. This act shall take effect immediately.

CHAP. 187.

Business corporation.

AN ACT to amend chapter six hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the organization and regulation of certain business corporations."

PASSED May 6, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending ch. 611, laws 1875.

SECTION 1. Section thirty-two of chapter six hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the organization and regulation of certain business corporations," is hereby amended so as to read as follows:

§ 32. Any existing corporation heretofore organized under the general laws of this State, except such corporations as are particularly excepted by the first section of this act from organizing thereunder, may come under and avail itself of the privileges and provisions of this act by complying with the following provisions: The directors of such corporation shall publish a notice, signed by at least a majority of them, in a newspaper published in the county in which the principal business office thereof is situated, for at least three successive weeks, and to deposit a written or printed copy thereof in the post-office, postage pre-paid, addressed to each stockholder, at his last known place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of the meeting, and the time and place when and where such meeting shall be held. At the time and place specified in the notice, the stockholders shall organize by choosing one of the directors chairman of the meeting, and, also, a suitable person for secretary, and proceed to a vote of those present, in person or by proxy; and if votes representing a majority of all the stock of the company shall be given in favor of availing itself of the provisions of this act, the said officers shall make a certificate of the proceedings, showing a compliance therewith, duly acknowledged, and stating:

1. The name of the corporation.
2. The object for which it is formed, including the nature and locality of its business.
3. The amount and description of the capital stock.
4. The number of shares of which such capital stock consists.
5. The location of the principal business office.
6. The duration of the corporation, which, however, shall not exceed fifty years.
7. The names of the directors for the ensuing year; which certificate, with a copy of the by-laws of such corporation, shall be filed in the office of the secretary of State and of the clerk of the county in which the principal business office of such corporation is situated. From the time of such filing such corporation shall be deemed to be a corporation organized under this act, and, if originally organized or incorporated under any general law of this State, shall have and exercise all such rights and franchises as it has theretofore had and exercised, under the laws pursuant to which it was originally incorporated. But such change or proceedings shall not in any way affect, change or diminish the existing liabilities of the corporation so availing itself of the provisions of this act.

§ 2. The provisions of this act shall apply to and include any corporation which might, under the terms of this act, come under and avail itself of the said act hereby amended, and which shall have heretofore taken proceedings and filed papers as required by said last-mentioned act, for the purpose of coming under the same and availing itself of the provisions thereof.

§ 3. This act shall take effect immediately.

Ante, p. 229.

CHAP. 191.

AN ACT to provide for the establishment and maintenance of a public market place for farmers and market gardeners, in the city of New York, for the acquisition of lands for this purpose, and for the regulation and management of the same.

New York city.

PASSED May 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The lands situated in the ninth ward of the city of New York, and bounded on the north by Bloomfield street, on the south by Gansevoort street, on the east by West street and Tenth avenue, and on the west by Thirteenth avenue, and the block of ground in said city bounded by Gansevoort, Little West Twelfth, Washington and West streets, and Tenth avenue, are hereby declared to be a public market place for farmers' wagons, whereon farmers and market gardeners bringing their farm and garden produce to the city of New York in wagons may dispose of the same. The mayor, the comptroller, and the three aldermen of said city, elected in the aldermanic district consisting of the eighth, ninth, fifteenth and sixteenth wards thereof, are hereby authorized to purchase in the name of the mayor, aldermen and commonalty of the city of New York, such portions of

Public market, location of.

Mayor, comptroller and three aldermen authorized to purchase land

and to
acquire
title.

Petition to
be present-
ed to su-
preme
court.

Three
commis-
sioners to
be ap-
pointed.

Service of
notices.

Assess-
ments.

Corpora-
tion coun-
sel to take
proceed-
ings to
acquire
title.

the lands above described as are not the property of the city of New York, at such prices as may be mutually agreed upon by the owners of such lands and said five officers; provided that in no case shall any such lands be purchased, nor any price be agreed upon for the same, without the concurrence of the comptroller. The said mayor, comptroller and aldermen, for and in behalf of the mayor, aldermen and commonalty of the city of New York, are also authorized, in their discretion, to acquire title to the said lands, or any portion thereof, for public use, as and for a public market place, and for that purpose, to verify and present a petition to the supreme court, at any general or special term thereof, held in the first judicial district, for appointment of three commissioners of estimate and assessment, which petition shall aver that such lands are necessary for the said public market place, and that the mayor, aldermen and commonalty of the city of New York have not been able to acquire title thereto and the reason of such inability. The petition shall also state the names and places of residence, so far as the same can, by reasonable diligence, be ascertained, of the persons who own, or hold or claim to own, or hold estates or interests in the said lands, and if any such persons are infants, their ages as near as may be shall be stated, and if any such persons are idiots or persons of unsound mind, or are unknown, the fact shall be stated, together with such allegations of liens or incumbrances as may be proper. A copy of such petition, with notice of the time and place the same will be presented to the supreme court, shall be served on all persons whose interests are to be affected by the proceedings at least ten days prior to the presentation of the same to the said court.

§ 2. Such proceedings shall be prosecuted on said petition, and such assessments shall be made by the said commissioners of estimate and assessment under the rule of assessment as prescribed in this act, and by the same proceedings, so far as may be consistent with this act, as are provided for in and by chapter eighty-six of the laws of eighteen hundred and thirteen, entitled "An act to reduce several laws relating particularly to the city of New York into one act," in relation to the opening and laying out streets, avenues, squares or public places and the several acts amendatory thereof and supplementary thereto, and such assessments shall be controlled and their collection enforced in the same manner provided for in the said acts, and such assessments, when confirmed, shall be a lien on the lands assessed until the same shall be paid, except that the commissioners of estimate and assessment, appointed by the supreme court, shall assess, for the taking of the said lands, all such parties and persons, lands and tenements, as they may deem to be benefited by the establishment and maintenance of said public market place, to the extent which said commissioners deem such parties, persons, lands and tenements benefited thereby; provided, however, that the whole amount so assessed shall not exceed the sum of fifty thousand dollars.

§ 3. It shall be the duty of the counsel to the corporation of the city of New York to take such proceedings, to acquire title as aforesaid and to perform all legal services required in carrying out the provisions of this act, upon the request of said mayor, comptroller and aldermen without any additional compensation beyond the salary now provided by law. The said mayor, comptroller and aldermen shall meet and organize within twenty days after the passage of this act, and they, or a majority of them, shall have power to perform any act required to be performed by them under the provisions of this act, but neither of them shall receive any compensation for his services

hereunder. After the said lands have been acquired, the commissioner of public works of said city shall prepare the same for occupancy, and shall have power to purchase and erect the necessary appurtenances and structures for the purposes aforesaid under such restrictions as have been, or shall be established by law, for the control of the expenditures of the departments of the said city. The docks, piers and bulk-heads on the Hudson river, from Gansevoort street to Little West Twelfth street, in said city, shall be set apart by the department of docks, or such department as shall have control thereof, and kept for the use of boats, barges and other vessels engaged in the business of transporting farm and garden produce, at such rates of wharfage as have been, or shall be, lawfully established.

§ 4. For the purpose of defraying the expense to be incurred in executing the provisions of this act, the said comptroller is hereby authorized and directed to issue and sell, in such amounts and at such times as shall be required, revenue bonds of said city, to an amount not exceeding the sum of two hundred thousand dollars. For the purpose of providing for the payment of said revenue bonds, the board of estimate and apportionment of said city shall appropriate a sum of not exceeding one hundred and fifty thousand dollars, which amount shall be included in the final estimate of said board for the year one thousand eight hundred and eighty-one, and shall be raised according to law, and collected by tax upon the estates, real and personal, subject to taxation within the city of New York. The amount assessed, as hereinabove provided, shall be collected and paid into the city treasury, and applied toward the payment of said revenue bonds. If any deficiency shall arise from any cause, and a sufficient amount shall not be realized from such assessment to pay fifty thousand dollars of said revenue bonds, with the interest thereon, such deficiency shall be provided for by the said board of estimate and apportionment, by including the same in the annual appropriation first made, after the amount of such deficiency, if any, shall be ascertained.

Bonds to be issued for expenses.

Deficiency

§ 5. The said mayor, comptroller and aldermen shall have power to call upon any department of the city government, or any officer whose salary is paid out of the city treasury, to furnish any drawings, plans or surveys that may be required, as well as for clerical or other assistance, and the same shall be furnished without expense.

Preparation of drawings and plans.

§ 6. The lands hereby set apart as a public market place shall be kept for the exclusive use of farmers and market gardeners, and the finance department of said city shall have the exclusive charge and control of said public market place, and the wagons engaged in the business of selling farm and garden produce in said city, and shall have power to make suitable regulations concerning fees, the hours during which the business of selling said produce shall be conducted, and of the general management of the same.

Market for exclusive use of farmers and market gardeners. Fees.

§ 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 8. This act shall take effect immediately.

CHAP. 195.

New York **AN ACT** in relation to the payment of assessments for local
city. improvements in the city of New York.

PASSED May 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Assess-
ments for
local im-
prove-
ments,
when may
be paid.

SECTION 1. At any time before the first day of September, eighteen hundred and eighty, any person liable therefor may pay, to the officer authorized to receive the same, the amount of any assessment for any local improvement in the city of New York, heretofore confirmed and now unpaid, with interest thereon at the rate of seven per centum per annum from the date of confirmation to the date of payment, and at any time on or after said first day of September, and before the first day of December, eighteen hundred and eighty, any such assessment may be paid as aforesaid, with interest, at the rate of nine per centum per annum from the date of confirmation to the date of payment.

Interest.

Install-
ments.

§ 2. Where any installment or installments of any assessments have been paid under the provisions of chapter one hundred and three of the laws of eighteen hundred and seventy-six, or of chapter one hundred and fifty-nine of the laws of eighteen hundred and seventy-seven, or of chapter two hundred and fifty-five of the laws of eighteen hundred and seventy-eight, the amount of such assessment or assessments remaining unpaid may be paid within the same periods prescribed in the first section of this act and upon the same terms and conditions as therein prescribed.

Discharge
of lien
upon pay-
ment in
full.

§ 3. Upon such payment in full, as hereinbefore provided, such assessment or assessments shall cease to be a lien upon the property, and shall be deemed fully paid, satisfied and discharged; and there shall be no further interest or penalty by reason of such assessment or assessments not having been paid within the time heretofore required by law or by reason of any statute heretofore requiring the payment of any penalty or interest over the rate hereinbefore provided for upon any unpaid assessment.

§ 4. No provision of this act hereinbefore contained shall be construed as applicable to or affecting any assessment, for the collection of which assessment the property has been sold.

§ 5. This act shall take effect immediately.

CHAP. 199.

New York **AN ACT** to provide for the registration of certain bonds in
city. the city and county of New York.

PASSED May 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Bonds
issued by
towns of
Morrisania
and West
Farms

SECTION 1. All bonds issued by the towns of Morrisania and West Farms, formerly a portion of Westchester county and heretofore annexed to the city and county of New York, for the payment of the principal and interest, of which the city and county of New York is

liable, may be registered by the owners thereof in the comptroller's office in said city; and shall be transferable at the pleasure of the holder, either in person or by attorney, only upon the books of the corporation at said office; such registry and transfer to be indorsed thereon by the stock clerk. The interest on such bonds when so registered shall, as the same becomes due and payable, be paid in like manner as upon other registered stock and bonds of the city and county of New York; and whenever any such bonds have coupons attached, the comptroller of the city of New York shall, upon registration thereof, have authority to detach all coupons therefrom and shall thereupon indorse the fact of such registration with a reference to this act.

may be registered.

Interest payable in like manner as bonds of New York city.

§ 2. This act shall take effect immediately.

CHAP. 202.

AN ACT in relation to the deposit of stocks in the bank department.

Bank department.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every bank, banking association and individual banker, not having given notice of intention to close the business of banking, is hereby required to keep on deposit in the bank department, in addition to the deposit now required to secure the circulating notes of said bank, stocks of this State, or of the United States bearing interest, to the amount of one thousand dollars, and the same shall be held by the superintendent of the bank department as a pledge of good faith, and guaranty of compliance with the banking laws of this State, on the part of such bank, banking association or individual banker, and the proceeds of such stock or the interest thereof, or so much thereof as may be necessary, may be applied by the superintendent to the payment of any penalty incurred by, or the assessment imposed upon, the banking association or individual banker for whom such deposit is held. The superintendent of the banking department may, in his discretion, maintain an action in his name of office against any bank, banking association or individual banker for the recovery of any penalty incurred by, or lawful assessment imposed on any bank, banking association or individual banker.

Bank, - bankers and banking associations required in addition to deposit now required to secure stock as evidence of good faith in conducting business.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 204.

Villages,
cities and
towns,
bonded in-
debted-
ness.

AN ACT to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the bonded indebtedness of villages, cities, towns and counties."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 75, Laws
1878.

SECTION 1. Section six of chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the bonded indebtedness of villages, cities, towns and counties," is hereby amended so as to read as follows:

New York,
Brooklyn
and
Niagara
exempt.

§ 6. The city and county of New York, the city of Brooklyn, and the county of Niagara, except the town of Niagara, shall be exempt from the provisions of this act.

§ 2. This act shall take effect immediately.

Ante, p. 524.

CHAP. 209.

Malicious
annoyance

AN ACT to prevent malicious annoyance.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sending of
anony-
mous
letter a
misdeme-
anor

SECTION 1. Every person who shall knowingly send or deliver, or shall make, and for the purpose of being delivered or sent, shall part with the possession of, any letter, postal card or writing, with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark or other designation, with intent thereby to cause annoyance to any person, or with a view or intent to extort or gain any money or property of any description belonging to another, shall, upon conviction, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail or penitentiary not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Penalty.

§ 2. This act shall take effect immediately.

CHAP. 210.

Schools.

AN ACT to provide for the dissolution of union free school districts in certain cases.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Dissolu-
tion of
free

SECTION 1. In any union free school district established under the laws of this State, it shall be the duty of the board of education, upon

the application of fifteen resident tax payers of such district, to call a special meeting in the manner prescribed by law, for the purpose of determining whether application shall be made in the manner herein-after provided, for the dissolution of such union free school district, and for its reorganization as a common school district or districts. schools on
petition of
resident
taxpayers.

§ 2. Whenever, at any such meeting called and held as aforesaid, it shall be determined by a majority vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, not to dissolve such union free school district, no other meeting for a similar purpose shall be held in said district within three years from the time the first meeting was held, and whenever, at any such meeting called and held as aforesaid, it shall be determined by a two-thirds vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, to dissolve such union free school district, it shall be the duty of the board of education to present to the clerk of the board of supervisors a certified copy of the call, notice and proceedings, and the said clerk shall lay the same before the board of supervisors at their next meeting. If the board of supervisors shall approve of the proceedings of said meeting, the clerk shall certify the same to the board of education. Such approval shall not take effect until the thirtieth day of September next succeeding; but after that date such district shall cease to be a union free school district.

§ 3. If any union free school district dissolved under the foregoing provisions shall have been established by the consolidation of two or more districts, it shall be lawful for the board of supervisors to direct that its territory be divided in two or more districts to correspond, so far as practicable, with the districts theretofore consolidated.

§ 4. If there shall be, in such dissolved union free school district, an academy which shall have been adopted as the academic department of the union free school, under the provisions of title nine, chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, it shall, upon the application of a majority of the surviving resident former trustees or stockholders, be transferred by the board of education to said former trustees or stockholders.

§ 5. The board of supervisors may make its approval of the proceedings of any such meeting held as aforesaid conditional upon the payment, by the district which has been most greatly benefited by the consolidation in the way of buildings and other improvements to the other district or districts into which the said union free school district is divided, of such sum or sums of money as they may deem equitable.

§ 6. All moneys remaining in the hands of the treasurer of the union free school district when the order of dissolution shall take effect shall be apportioned equitably among the several districts into which such union free school district is divided, and shall be paid over to the collectors of such districts when they shall have been elected and have qualified according to law.

§ 7. The district or districts formed by the dissolution of such union free school district shall hold its or their annual meeting or meetings on the second Tuesday of October next, after the dissolution of such union free school district, and shall elect officers as now required by law.

§ 8. If the board of supervisors shall not approve the proceedings of any such meeting, held as aforesaid, for the purpose of dissolving a union free school district, no other meeting shall be held in such district, for a similar purpose, within three years from the time the first meeting was held.

§ 9. Whenever the proceedings of a meeting, held as aforesaid, for the purpose of dissolving a union free school district, shall have been approved by the board of supervisors and shall have been certified by the clerk of said board to the board of education, it shall be the duty of the board of education of the district affected forthwith to notify the superintendent of public instruction, and to furnish him copies of the call, notice, proceedings of the meeting, and proceedings of the board of supervisors taken thereon.

CHAP. 213.

Boundary lines. **AN ACT** to ratify and confirm the agreement in relation to the boundary lines between the State of New York and the State of Connecticut, entered into by commissioners on the part of said States.

PASSED May 8, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

**Settle-
ment of
boundary
line be-
tween
New York
and Con-
necticut.**

**Memoran-
dum of
agreement**

SECTION 1. The agreement for the settlement of the boundary lines between the State of New York and the State of Connecticut, entered into by the commissioners appointed for that purpose on the part of said States, respectively, a duplicate original of which is on file in the office of the secretary of State, and a copy of which has been reported to the legislature, is hereby ratified and adopted. The said agreement is as follows, namely : " Memorandum of agreement by and between the subscribers, commissioners of the States of New York and Connecticut, respectively, to settle the question of the boundaries between said States, being thereunto authorized by the resolutions of said States respectively passed by them, is hereunto annexed. That is to say, we, Allen C. Beach, secretary of State ; Augustus Schoonmaker, Jr., attorney-general, and Horatio Seymour, Jr., State engineer and surveyor, commissioners of the State of New York, and we, Origen S. Seymour, La Fayette S. Foster, and William T. Minor, commissioners of the State of Connecticut, have agreed, and do hereby agree, to fix, determine and establish the boundaries between our respective States, subject to the approval and ratification of the legislatures of our respective States in the following manner: We agree that the boundary on the land constituting the western boundary of Connecticut and the eastern boundary of the State of New York shall be and is as the same was defined by monuments erected by commissioners appointed by the legislature of the State of New York and completed in the year eighteen hundred and sixty. The said boundary line extending from Byram Point, formerly called Lyon's Point, on the south, to the line of the State of Massachusetts on the north. And we further agree that the boundary on the sound shall be and is as follows : Beginning at a point in the center of the channel about six hundred feet south of the extreme rocks of Byram Point, marked No. 0, on appended United States Coast Survey Chart ; thence running in a true south-east course three and one-fourth statute miles ; thence in a straight line (the arc of a great circle) north-easterly to a point four statute miles true south of New London light-house ; thence north-easterly to a point marked number one on the annexed United States Coast Survey Chart of

Fisher's Island Sound, which point is on the longitude east three-quarters north sailing-course drawn on said map, and is about one thousand feet northerly from the Hammock or North Dumpling lighthouse; thence following said east three-fourths north sailing-course as laid down on said map easterly to a point marked number two on said map: thence south-easterly toward point marked number three on said map, so far as said States are co-terminuous; provided, however, that nothing in the foregoing agreement contained shall be construed to affect existing titles to property corporeal or incorporeal, held under grants heretofore made by either of said States, nor to affect existing rights which said States, or either of them, or which the citizens of either of said States may have, by grant, letters-patent or prescription of fishing in the waters of said sound, whether for shell or floating fish, irrespective of the boundary line hereby established, it not being the purpose of this agreement to define, limit or interfere with any such right, rights or privileges, whatever the same may be.

In witness whereof we have hereunto set our hands to this instrument and to a duplicate thereof, December eighth, eighteen hundred and seventy-nine,

ALLEN C. BEACH,

Secretary of State,

AUGUSTUS SCHOONMAKER, JR.,

Attorney-General,

HORATIO SEYMOUR, JR.,

State Engineer and Surveyor,

Commissioners of the State of New York.

ORIGEN S. SEYMOUR,

LAFAYETTE S. FOSTER,

WILLIAM T. MINOR,

Commissioners of the State of Connecticut."

§ 2. The governor is authorized and requested to transmit a copy of this act to the governor of the State of Connecticut, and, upon receiving due notice of the adoption of said agreement by the State of Connecticut, the governor of this State shall cause such notice to be filed in the office of the secretary of State, and, upon the same being so filed, the said agreement shall become binding and operative, and in full force, and the boundary between this State and the State of Connecticut shall be fixed and established as specified and provided in said agreement.

Governor
author-
ized to
transmit
copy to
Governor
of Conn.

Filing of
notice.

§ 3. Upon the said agreement taking effect as herein provided, the governor is authorized, in concurrence with the executive of Connecticut, to communicate to congress the action of the two States on this subject, and to request the approval of congress of the boundaries thus established.

Communi-
cation to
Congress.

CHAP. 215.

Hudson
river.

AN ACT to amend chapter three hundred and seventy-six of the laws of eighteen hundred and seventy-six, as amended by chapter four hundred and fifty-six of the laws of eighteen hundred and seventy-nine, entitled "An act to prevent the deposit of mud, earth, soil, ashes, or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 376,
Laws 1879.

SECTION 1. Section four of chapter three hundred and seventy-six of the laws of eighteen hundred and seventy-six, as amended by chapter four hundred and fifty-six of the laws of eighteen hundred and seventy-nine, entitled "An act to prevent the deposit of mud, earth, soil, ashes, or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof," is hereby amended so as to read as follows:

Deposit-
ing of
refuse in
river.

§ 4. This act shall not apply to the depositing of substances upon the building of wharves or piers upon, or the filling in of land under water, granted by the people of the State of New York, to any person or persons, provided a permanent and substantial bulk-head be first properly and securely built, inclosing the whole area of any such pier or wharf proposed to be so built or constructed; or the waters now dyked off by the river commissioners for improving the channel of the river. Nor shall the act apply to the sweeping, washing, or cleaning from the decks of the canal boats, freight, passenger, or pleasure boats, or vessels, of such dirt only as collects naturally thereon from the use thereof by human beings using the same for transportation or pleasure, nor the hauling of fire from the furnace grate of any steamboat having state-rooms above the main deck, provided no coal or ashes shall be dumped from the ash-box of said steamboat; except as authorized in the first section of this act, nor to the setting of shad-poles in the shad season, nor to the use of any other devices or contrivances for the purpose of fishing in any season of the year, but no such setting of shad-poles or devices for fishing shall be allowed below the northerly line established by the harbor commissioners of the city of New York; nor shall this act apply to throwing overboard the refuse and waste matter which ordinarily accumulates in and about canal boats engaged in the transportation of goods and merchandise. But this act shall not be construed to authorize the throwing in said water of food, or any contrivance or device in which food may be kept, carried or preserved.

When act
shall not
apply.

§ 2. This act shall take effect immediately.

Ante, p. 323.

CHAP. 221.

AN ACT to legalize the official acts of certain justices of the peace, and authorizing justices of the peace to execute and file official bonds. Justices of the peace.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The official acts of every justice of the peace heretofore done and performed, duly elected or appointed to the office, so far as such official acts may be affected, impaired or questioned by reason of the failure of any such justice to give an official bond as required by law, are hereby legalized, ratified and confirmed. Acts of justices who have failed to give official bond, legalized.

§ 2. Nothing herein contained shall affect any suit or proceeding now pending.

§ 3. This act shall take effect immediately.

Ante, p. 773. See ch. 341, *post*. p. 989.

CHAP. 222.

AN ACT to enable marine insurance companies incorporated under the laws of this State to amend their charter. Marine insurance.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any marine insurance company incorporated under the laws of this State may amend its charter so, as to enable it to transact all such business as can be transacted by marine insurance companies in conformity with the laws of this State, by filing in the office of the superintendent of the insurance department a copy of its charter as amended with the written consent of three-fourths, in amount, of its stockholders, if a joint-stock company, or if a mutual company, with the written consent of two-thirds of its trustees or directors, and if the said superintendent shall find that such company is in the active prosecution of its business, then on filing the certificate of approval of said superintendent and the written consent of the attorney-general in the office of said superintendent, it shall be lawful for such company to transact business under its charter as so amended. Said superintendent shall thereupon deliver to such company a certified copy of said amended charter and of said last-mentioned certificate and consent, which, on being filed in the office of the clerk of the county where said company is located, shall be its authority to transact business and issue policies; and such certified copy of said amended charter and of said certificate and consent may be used in evidence for or against the said company with the same effect as the originals. Companies authorized to amend charters.

Proceedings.

§ 2. This act shall take effect immediately.

CHAP. 223.

Travellers. **AN ACT** for the better protection of the traveling public.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Governor
author-
ized to ap-
point con-
ductors
and brake-
men
special
police-
men.

SECTION 1. The governor is hereby authorized in his discretion to appoint all or any conductors and brakemen of any trains of any steam railroad in this State, conveying passengers, for the purposes of this act, policemen having all the powers for the purposes of this act with which policemen of villages and cities are clothed, and each and every such conductor and brakeman shall take and file the usual oath of office, in the office of the clerk of the county in which he resides, or in the office of the clerk of the county in this State in which either terminus of such road may be.

Power to
arrest.

§ 2. All such conductors and brakemen acting as policemen under this act, upon any such railroad, shall have full power, and it shall be their duty to arrest and hold in custody, and deliver to any magistrate, having jurisdiction in such cases, at either terminus of such road in this State, or at any intermediate station, any or all persons whom they may find engaged in, or endeavoring to entice others to engage in any game of cards or any other game of chance whatever, in which money or any representative of money, or any other valuable thing is to be lost or won, and to enter complaint to such magistrate for any violation of the law governing in such cases.

Penalty
for failure
to act.

§ 3. Any conductor or brakeman, refusing or neglecting to perform the duty imposed upon him by this act, shall be liable to a fine not exceeding two hundred and fifty dollars, to be sued for by and in the name of any superintendent of the poor of any county where such refusal or neglect may have occurred in any court of competent jurisdiction at any place on the line of said railroad, or to imprisonment not less than six months, or to both, in the discretion of the court.

Disposi-
tion of
fines col-
lected.

§ 4. Any fine so imposed, when collected, shall be placed in the treasury of the county where recovered, for the use of the poor of said county.

Superin-
tendents of
railroads
must post
copy of
act.

§ 5. It shall be the duty of every superintendent or manager of every steam railroad in this State, immediately after the passage of this act, to post a copy of this law in some conspicuous place in each and every car used for the conveyance of passengers, under a penalty of not to exceed five dollars for each and every such car in which such notice shall not be posted.

§ 6. This act shall take effect immediately.

See chap. 848, L. 1863, *ante*, vol. 6, p. 110.

CHAP. 225.

Stock cor-
porations.

AN ACT to authorize the exchange of preferred stock for common stock of corporations.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Author-
ized to ex-

SECTION 1. Every corporation organized under the laws of this

State which has heretofore issued, or may hereafter issue, both preferred and common stock, forming part of the capital stock of such corporation, is hereby authorized, whenever the directors of such corporation shall by vote of two-thirds of their number declare it for the interest of the corporation so to do, and the holder of any such preferred stock may request in writing the exchange of the same for the common stock, to exchange the preferred stock of such holder for common stock, and to issue certificates of common stock therefor share for share, or upon such other valuation as may have been agreed upon in the scheme for organization of such company or the issue of such preferred stock; provided, however, that the total amount of the capital stock of such company shall not be increased thereby.

change preferred for common stock.

§ 2. This act shall take effect immediately.

CHAP. 231.

AN ACT to amend title four, chapter six, part second of the Revised Statutes, relating to the powers and duties of executors and administrators in relation to the sale and disposition of the real estate of their testator or intestate.

Executors and administrators.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty of title four, chapter six, part second of the Revised Statutes, is hereby amended so that the same shall read as follows:

Amending p. 2, ch. 6, § 34, Rev. Stat.

§ 30. If it shall appear to the surrogate that such sale was legally made and fairly conducted, and that the sum bid was not disproportionate to the value of the property sold, or if disproportionate, that a greater sum, as above specified, cannot be obtained, he shall make an order confirming such sale, and directing conveyances to be executed. If it shall also appear to the surrogate that the amount thereof will be sufficient to satisfy in full the costs and expenses of said sale, and all debts of the deceased proven before the surrogate and entered in his book as valid and subsisting, together with all rights of dower thereon, if any, and that a creditor or creditors of said deceased, or either of them, whose claim has been proven and allowed by the surrogate, has become the purchaser of said real estate, or any part thereof, the surrogate, in the order of confirmation of such sale, shall, at the election of the purchaser, state the amount of such claim or claims of such creditor or creditors so allowed by him; and such purchaser shall be required to pay the surplus, if any, of the amount bid, after deducting the amount of such claim or claims only. In case the amount of such sales shall be insufficient to satisfy the costs and expenses of such sale, and the whole amount of the claims against the estate as proven and allowed on or before final distribution, then and in such case such purchasing creditor shall be allowed and credited on the amount bid by him, an amount equal to the amount he would be entitled to receive on distribution, and the balance of such bid shall be paid by such purchaser on such final distribution. In case any purchasing creditor shall elect to have the amount, to which he shall be entitled to receive from the estate, credited on his bid as aforesaid, he shall not be entitled to have a deed delivered to him until such final distribution.

Order confirming sale.

Creditor when purchasing real estate, must pay over surplus.

When proceeds of sale are insufficient, creditor to receive amount entitled to on distribution.

§ 2. This act shall take effect immediately.

Ante, vol. 2, p. 109. The above act was repealed by ch. 245, *post*. See Co. Clv. Proc., § 2776.

CHAP. 233.

County
treasurers.

AN ACT to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers."

PASSED May 8, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 438,
Laws 1877.

SECTION 1. Chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers," is hereby amended by adding an additional section, as follows :

When
treasurer
may retain
compen-
sation for
receiving
and paying
money be-
longing to
the state.

§ 10. Nothing in this act shall be construed as preventing the treasurers of the several counties of this State, in which the treasurer is a salaried officer, from retaining for the benefit of their said counties, respectively, the same compensation for receiving and paying the money belonging to the State every year, as that now allowed by law, where such treasurer is not a salaried officer, and the comptroller is hereby authorized to allow to the said treasurers, for the benefit of their respective counties, on State taxes hereafter received and paid over by them, where not already allowed, the compensation now allowed by law, where such treasurer is not a salaried officer.

§ 2. Section ten of said act is hereby amended so as to read as follows :

§ 11. Nothing herein contained shall apply to the counties of Monroe and Seneca.

Ante, pp. 527, 694, 720, will show the original section 10 and the amendments of it. The "section 10" added above was repealed (apparently), inadvertently, by ch. 580, *post*, p. 1101.

CHAP. 235.

Villages.

AN ACT in relation to the payment of costs on arrest, trial and punishment for crimes and misdemeanors in villages, and in relation to the civil jurisdiction of police justices therein.

PASSED May 8, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

When part
of two
towns are
included
in one vil-
lage, vil-
lage must
bear ex-
penses of
trials of
crimes and
misdeme-
anors.

SECTION 1. In all cases where parts of two or more towns or parts of two or more counties, or either or both, are included within the limits of any incorporated village within this State, the legal expenses for arrest, trial and punishment for crimes and misdemeanors where, on conviction, the fine, penalty or forfeiture goes to such village, shall be borne and paid by such village ; in all other cases, the legal costs of arrest, trial and punishment, or either, within the jurisdiction of, and entertained by, a police court of such village, shall be borne and paid by the town or county in which such offense was actually committed.

Imprison-
ment must
be in coun-
ty where
offense
was com-
mitted.

§ 2. In all cases of imprisonment of persons charged with the commission of any offense, or under sentence on conviction of any offense, within the jurisdiction of any police court of such village, such imprisonment shall be in the county where such offense was actually committed.

§ 3. The civil jurisdiction of all police justices within any incorporated village of this State shall be limited to cases in which said village is a party in interest.

Jurisdiction of police justices limited to cases in which village is a party.

§ 4. All acts or parts of acts, whether general or local, inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 241.

AN ACT to amend chapter two hundred and ninety of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled 'An act to amend an act, passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act, passed February seventeenth, eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" passed April twentieth, eighteen hundred and seventy-one, and to legalize the formation and acts of certain corporations formed according to the provisions of chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-seven.

Manufacturing corporations.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and ninety of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled 'An act to amend an act, passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act, passed February seventeenth, eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed April twentieth, eighteen hundred and seventy-one,'" is hereby amended so as to read as follows:

Amending ch. 260, Laws 1879 Ante, p. 767.

§ 1. At any time hereafter any three or more persons who may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical or chemical business, or the business of printing and publishing books, pamphlets and newspapers, or the business of making butter, cheese, concentrated or condensed milk, or any other products of the dairy, or the business of erecting buildings for church sheds or laundry purposes, and the carrying on of laundry business, or the business of slaughtering animals, or for the purpose of towing or propelling canal boats, vessels, rafts or floats on the canals and navigable rivers of the State of New York, by animal or steam power, their operations not to be confined to the county in which their certificates shall be filed, or the supplying of hot water or hot air or steam for motive power, heating, cooking or

Corporations, how formed.

other useful applications in the streets and public and private buildings of any city, village or town in this State, may make, sign and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the secretary of State, a certificate in writing, in which shall be stated the corporate name of the said company, and the objects for which the company shall be formed, the amount of the capital stock of said company, the time of its existence (not to exceed fifty years), the number of shares of which the said stock shall consist, the number of trustees and their names, who shall manage the concerns of said company for the first year, and the name of the town and county in which the operations of the said company are to be carried on.

Corporations for towing or propelling vessels.

§ 2. The organization of any corporation for the purpose of towing or propelling canal boats, vessels, rafts or floats on the canals and navigable rivers of the State of New York, by animal or steam power, their operations not to be confined to the county in which their certificate shall be filed, formed since the passage of chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-seven, and all the acts of the trustees of any such corporation, organized in compliance with the provisions of such last-named chapter, are hereby made as legal in all respects as if the said last-named chapter had remained in full force, and every such corporation so organized is hereby declared to have existence and to have the same powers and privileges in all respects as if the said act, being chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-seven, had been in full force in all respects at the time of the formation of any such corporation.

§ 3. This act shall take effect immediately.

See note to ch. 290, L. 1879, *ante*.

CHAP. 245.

Repealing act.

AN ACT repealing certain acts and parts of acts.

PASSED May 10, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following acts and parts of acts heretofore passed by the legislature of the State are hereby repealed, namely:

Rev. Stat. Part I.

1. Of the first part of the Revised Statutes:

(1.) Title fourth of chapter fifth; except sections fourteen and fifteen and article fourth thereof.

(2.) The following portions of chapter eighth:

Sections ten to fourteen, both inclusive, of title fifth.

All of title seventh.

(3.) Titles twelfth and thirteenth of chapter ninth.

(4.) The final clause of section four of title fourth of chapter eighteenth, beginning with the words, "and whenever any incorporated company shall have remained."

Part II.

2. Of the second part of the Revised Statutes:

(1.) The following portions of chapter first:

Sections eighteen to twenty-four, both inclusive, of title third.

Sections four, five and six of title fourth.

Section three, and sections five to nine, both inclusive, of title fifth.

(2.) The following portions of chapter fifth:

All of title first, except article eighth thereof.

All of title second.

(3.) The following portions of chapter sixth:

All of title first, except sections one, two, three, four, five, twenty-one and twenty-two, sections forty to fifty-three, both inclusive, and sections sixty-nine, seventy and seventy-one thereof.

All of title second, except sections three, four, five, fifteen, sixteen, twenty-two, twenty-seven, twenty-eight, twenty-nine, thirty-two, thirty-three, thirty-four and sixty thereof.

The following portions of title third, namely: Sections seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, thirty-one, thirty-two and thirty-eight; the concluding portion of section thirty-nine, beginning with the words "but may prove such notice;" sections forty to forty-two, both inclusive; sections fifty-two to fifty-six, both inclusive; the concluding portion of section fifty-eight, as amended by chapter three hundred and sixty-two of the laws of eighteen hundred and sixty-three, beginning with the words: "But if the personal estate;" all of sections fifty-nine to seventy-four, both inclusive, and sections eighty, eighty-one, eighty-two and eighty-three.

All of title fourth, except sections fifty-five and fifty-eight thereof.

All of title fifth, except sections one to six, both inclusive, and section twenty-three thereof.

4. The following portions of chapter eighth:

All of title first, except article first thereof, and section forty-nine thereof.

All of title third, except sections one, two, three, twenty and twenty-one thereof.

3. The third part of the Revised Statutes, except the following portions thereof: Part III

(1.) Of chapter first:

Articles first and second of title first.

Sections twenty-eight to forty-four, both inclusive, of title fourth.

Sections four, five, six, seven, twenty-one, twenty-four, twenty-five, twenty-seven, twenty-eight and twenty-nine of title fifth; so much of section twenty as fixes the places where the courts of common pleas and general sessions shall be held; and so much of sections eleven and fourteen thereof as relate to courts of general sessions.

(2.) Of chapter second:

Sections twenty-three, twenty-four, two hundred and thirty-one, two hundred and sixty-eight, two hundred and sixty-nine and two hundred and seventy of title fourth.

(3.) Of chapter third:

Sections forty, forty-one, forty-four, forty-five and forty-eight, and sections fifty-four to sixty-one, both inclusive, of title second.

(4.) Of chapter seventh:

Sections sixty-three to seventy, both inclusive, of title third.

(5.) Of chapter eighth:

Sections one, two, eleven, seventeen and eighteen of title third.

The following portions of title fourth, namely: Section forty-two, which is hereby made applicable to a permanent receiver appointed as prescribed in section seventeen hundred and eighty-eight of the Code of Civil Procedure; sections sixty-six to eighty-nine, both inclusive, which are hereby made applicable to a receiver appointed as prescribed in section twenty-four hundred and twenty-nine of the Code of Civil Procedure; and sections one hundred and two to one hundred and six, both inclusive.

All of title eleventh.

All of title sixteenth.

Sections twenty-seven, twenty-eight, twenty-nine, thirty, thirty-two and thirty-five of title seventeenth.

(6.) Of chapter tenth:

Sections one, forty-one, forty-two and fifty-one of title third.

Sections one, two and four of title fourth.

1845-49.

Code of
Proced-
ure.

4. The act entitled "An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State," passed April twelfth, eighteen hundred and forty-eight; being chapter three hundred and seventy-nine of the laws of eighteen hundred and forty-eight, and the act amending the same, being chapter four hundred and thirty-eight of the laws of eighteen hundred and forty-nine, otherwise called the Code of Procedure.

R. L. 1818.

5. Of the revised laws of eighteen hundred and thirteen:

The following portions of chapter eighty-six, entitled "An act to reduce several laws, relating particularly to the city of New York, into one act," passed April ninth, eighteen hundred and thirteen, namely: sections eighty-five to one hundred and forty-five, both inclusive.

1895.

6. Of the laws of eighteen hundred and twenty-five:

Chapter one hundred and seventy-nine.

1839.

7. Of the laws of eighteen hundred and twenty-nine:

Chapter one hundred and eighty-three.

1830.

8. Of the laws of eighteen hundred and thirty:

Chapters twenty-four, seventy-six, seventy-eight, eighty-four, one hundred and eighty-five, one hundred and eighty-six and two hundred and fifty-two.

1831.

9. Of the laws of eighteen hundred and thirty-one:

Chapters twenty-four, one hundred and thirty-three, two hundred, and two hundred and seventeen.

Section two of chapter two hundred and thirty-seven.

1838.

All of chapters two hundred and eighty-seven and three hundred.

10. Of the laws of eighteen hundred and thirty-two:

Chapters seven, nine, two hundred and eleven and two hundred and ninety-five.

1863.

11. Of the laws of eighteen hundred and thirty-three:

Chapters forty-two, fifty-two, two hundred, two hundred and twenty-three, two hundred and twenty-seven and two hundred and seventy-one.

1884.

12. Of the laws of eighteen hundred and thirty-four:

Chapters eighty-eight, one hundred and seventy, two hundred and thirty-five, two hundred and forty-five and three hundred and eight.

1836.

13. Of the laws of eighteen hundred and thirty-six:

Chapters three hundred and eighty-five and five hundred and twenty-six.

1867.

14. Of the laws of eighteen hundred and thirty-seven:

Chapters two hundred and forty, three hundred and sixty-seven, four hundred and eighteen and four hundred and sixty.

Sections three and four of chapter four hundred and sixty-one.

Section one of chapter four hundred and sixty-five.

1898.

15. Of the laws of eighteen hundred and thirty-eight:

Chapters one hundred and thirty-eight, one hundred and forty-nine, two hundred and twelve, two hundred and forty-three and two hundred and fifty-seven.

1899.

16. Of the laws of eighteen hundred and thirty-nine:

Chapters eighty-six, one hundred and three, three hundred and forty-two and three hundred and forty-three.

17. Of the laws of eighteen hundred and forty: 1840.
 Chapters sixty-five, one hundred and sixty-five, one hundred and seventy-seven and two hundred and twenty-five.

Section two of chapter two hundred and thirty-eight.

All of chapters two hundred and thirty-nine, three hundred and seventeen, three hundred and forty-two, three hundred and forty-seven, three hundred and seventy-seven, three hundred and seventy-nine, three hundred and eighty-four and three hundred and eighty-six.

18. Of the laws of eighteen hundred and forty-one: 1841.

Chapters thirty-eight, one hundred and twenty-nine, one hundred and thirty-eight, one hundred and forty-one, two hundred and fifty-seven and three hundred and twenty-one.

19. Of the laws of eighteen hundred and forty-two: 1842.

Chapters one hundred and seven, one hundred and ninety-seven, two hundred and forty and two hundred and seventy-seven.

20. Of the laws of eighteen hundred and forty-three: 1843.

Chapters one hundred and twenty-one and one hundred and seventy-two.

Sections one, three and four of chapter one hundred and seventy-seven.

All of chapter two hundred and one.

21. Of the laws of eighteen hundred and forty-four: 1844.

Chapters eleven, thirty-two, one hundred and four, one hundred and twenty-seven, two hundred and seventy-three, three hundred and three hundred and twelve.

Sections two and sixteen of chapter three hundred and nineteen.

All of chapter three hundred and forty-six.

22. Of the laws of eighteen hundred and forty-five: 1845.

Chapters one hundred and twelve, two hundred and ten, two hundred and fourteen and two hundred and forty-two.

Section three of chapter two hundred and ninety-one.

All of chapter three hundred and forty-eight.

23. Of the laws of eighteen hundred and forty-six: 1846.

Chapters one hundred and forty, one hundred and fifty-nine, one hundred and eighty-two, two hundred and nine, two hundred and seventy-four, two hundred and seventy-six and two hundred and eighty-eight.

24. Of the laws of eighteen hundred and forty-seven: 1847.

Chapters five and one hundred and nineteen.

Sections seven, eleven, twelve, thirteen and fourteen of chapter two hundred and seventy-seven.

All of chapter two hundred and eighty, except the following portions thereof, namely: Article first and article fifth; and sections twenty-five and sixty-five.

All of chapters two hundred and ninety-eight, three hundred and twenty-nine, three hundred and thirty-seven, three hundred and thirty-nine, three hundred and fifty-two, three hundred and fifty-three, three hundred and sixty-six, four hundred and thirty, four hundred and fifty, four hundred and sixty-two and four hundred and sixty-four.

All of chapter four hundred and seventy, except sections twenty-six, thirty-three and thirty-five thereof.

25. Of the laws of eighteen hundred and forty-eight: 1848.

Chapters twenty-eight, thirty-five, forty-eight, fifty, fifty-three, one hundred and seventy and one hundred and eighty-five.

Section one of chapter one hundred and ninety-seven.

All of chapter three hundred and twelve.

- Section two of chapter three hundred and seventy-four.
1849. 26. Of the laws of eighteen hundred and forty-nine :
 Chapters twenty-two, thirty and seventy-six.
 All of chapters one hundred and seventy-three and one hundred and seventy-six.
 Section one of chapter two hundred and fifty-six.
 All of chapters two hundred and fifty-eight, three hundred and fifty-seven, three hundred and eighty, four hundred and thirty-eight and four hundred and thirty-nine.
1850. 27. Of the laws of eighteen hundred and fifty :
 Chapters eighty-two and ninety-four.
 Sections one, two, three, four, nine, ten and eleven of chapter one hundred and thirty-eight.
 All of chapters one hundred and fifty, one hundred and sixty-two, one hundred and ninety-four, two hundred and ten and two hundred and twenty-five.
1851. 28. Of the laws of eighteen hundred and fifty-one :
 Chapters two hundred and seventy-seven and four hundred and fifty-five.
1852. 29. Of the laws of eighteen hundred and fifty-two :
 Section one of chapter seventy-one.
 All of chapters one hundred and seventy-five and two hundred and seventy-seven.
 All of chapter three hundred and eighty-nine, except sections one, two, three and five thereof.
1853. 30. Of the laws of eighteen hundred and fifty-three :
 Chapters one hundred and fifty-three, two hundred and thirty-eight, six hundred and seventeen and six hundred and forty-eight.
1854. 31. Of the laws of eighteen hundred and fifty-four :
 All of chapter ninety-six, except section six, and sections thirty to thirty-nine thereof, both inclusive.
 All of chapters one hundred and sixteen and one hundred and thirty.
 All of chapters two hundred and six and two hundred and seventy.
1855. 32. Of the laws of eighteen hundred and fifty-five :
 Chapter eighty-five.
 Sections one and two of chapter two hundred and two.
 All of chapter five hundred and eleven.
1857. 33. Of the laws of eighteen hundred and fifty seven :
 Chapter one hundred and seventy-three.
 All of chapter two hundred and ninety-five, except section seven thereof.
 All of chapter three hundred and eight.
 Sections three, ten, fifteen, fifty-one and seventy-six of chapter three hundred and forty-four.
 All of chapters five hundred and twelve, six hundred and seventy-nine and seven hundred and seventy-five.
1858. 34. Of the laws of eighteen hundred and fifty-eight.
 Chapters one hundred and seventy-six and two hundred and thirteen.
 Section three of chapter three hundred and fourteen.
 Sections two to six, both inclusive, of chapter three hundred and thirty-four.
1859. 35. Of the laws of eighteen hundred and fifty-nine :
 Chapters one hundred and seventy-four, two hundred and fifty-two and two hundred and sixty-two.

Section one of chapter three hundred and eighty-nine.

36. Of the laws of eighteen hundred and sixty: 1860.

Chapter eighty.

Section seven of chapter ninety.

All of chapters one hundred and thirty-one, one hundred and thirty-six, one hundred and seventy-three, four hundred and three and four hundred and twenty-seven.

Sections one and two of chapter four hundred and ninety-three.

37. Of the laws of eighteen hundred and sixty-one: 1861.

Chapters eleven and twelve.

38. Of the laws of eighteen hundred and sixty-two: 1862.

Sections three, five and seven of chapter one hundred and seventy-two.

All of chapter two hundred and twenty-nine.

So much of chapter three hundred and thirty-seven as relates to justices of the peace exercising civil jurisdiction.

The first clause of section one of chapter three hundred and eighty-nine, ending with the words "amount demanded or recovered does not exceed five hundred dollars."

All of chapter four hundred and fifty-nine.

The following portions of chapter four hundred and eighty-four, namely:

So much of sections three and seventeen as relates to the marine court of the city of New York.

39. Of the laws of eighteen hundred and sixty-three: 1863.

Sections one, two, five, six and nine of chapter three hundred and sixty-two.

All of chapter four hundred and three.

40. Of the laws of eighteen hundred and sixty-four: 1864.

Chapter fifty-three.

Sections one to eleven, both inclusive, of chapter seventy-one.

All of chapters two hundred and nineteen, three hundred and eleven, three hundred and seventy-one, four hundred and eleven, four hundred and seventeen and five hundred and forty-five.

41. Of the laws of eighteen hundred and sixty-five: 1865.

Chapters eighty-one, three hundred and fifty-seven, four hundred and thirty-six, six hundred and sixteen and seven hundred and thirty-three.

42. Of the laws of eighteen hundred and sixty-six: 1866.

Chapters three hundred and seven and six hundred and thirty-six.

Sections one, two, six, seven, nine and ten of chapter six hundred and ninety-two.

All of chapters seven hundred and one and seven hundred and fifty-eight.

43. Of the laws of eighteen hundred and sixty-seven: 1867.

Chapters one hundred and ten, five hundred and sixteen and six hundred and fifty-eight.

Section one, sections seven to ten, both inclusive, and section sixteen of chapter seven hundred and eighty-two.

All of chapter eight hundred and fourteen.

44. Of the laws of eighteen hundred and sixty-eight: 1868.

Chapters five hundred and ninety-four, eight hundred and four and eight hundred and twenty-eight.

45. Of the laws of eighteen hundred and sixty-nine: 1869.

Chapters one hundred and fifty-seven, two hundred and forty-six, two hundred and sixty, four hundred and twenty-four and four hundred and thirty-three.

Section four of chapter five hundred and sixty-nine.

All of chapters six hundred and twenty-seven, seven hundred and thirty-eight and seven hundred and forty-eight.

So much of section one of chapter eight hundred and twenty as amends sections six and seven of chapter six hundred and ninety-two of the laws of eighteen hundred and sixty-six.

All of chapters eight hundred and thirty-one and eight hundred and forty-five.

1870.

46. Of the laws of eighteen hundred and seventy :

Chapters twenty, thirty-seven and fifty-nine.

Section two of chapter seventy-four.

All of chapter seventy-eight.

Sections one, two and three of chapter one hundred and fifty-one.

All of chapters one hundred and seventy, three hundred and fifty-nine, three hundred and ninety-four, four hundred and sixty-seven, seven hundred and six and seven hundred and seventeen.

1871.

47. Of the laws of eighteen hundred and seventy-one :

Chapters two hundred and nineteen, three hundred and sixty-one, four hundred and fifteen and four hundred and eighty-two.

Sections one to seven, both inclusive, of chapter four hundred and ninety-two.

All of chapters six hundred and three, seven hundred and ninety-nine and eight hundred and thirty-four.

Sections seven and eight of chapter eight hundred and fifty-nine.

All of chapters eight hundred and seventy-four and nine hundred and thirty-six.

1872.

48. Of the laws of eighteen hundred and seventy-two :

Chapters twenty-six, ninety-two and one hundred and sixty-one.

All of chapter four hundred and thirty-eight, except so much thereof as relates to criminal courts, or to district courts in the city of New York.

All of chapters six hundred and twenty-nine, six hundred and eighty, six hundred and ninety-three and seven hundred and seventy-six.

1873.

49. Of the laws of eighteen hundred and seventy-three :

Sections one and three of chapter sixty-one, as the latter section is amended by chapter one hundred and seventy-one of the laws of eight hundred and seventy-four.

All of chapters seventy, one hundred and eighty-two, two hundred and eleven and five hundred and fifty-two.

The concluding portion of section one of chapter five hundred and eighty-three, beginning with the words, "and shall have the same remedies to recover."

1874.

50. Of the laws of eighteen hundred and seventy-four :

Chapters nine, fifty-four, one hundred and twenty-seven, one hundred and fifty-six, two hundred and fifty-eight, two hundred and sixty-seven and four hundred and thirty-seven.

Section thirty-eight of title one, and all of title two of chapter four hundred and forty-six.

All of chapter four hundred and fifty-six.

All of section one of chapter four hundred and sixty, except the last sentence thereof, beginning with the words, "every juror shall receive."

All of chapters five hundred and twenty-four and five hundred and forty-five.

1875.

51. Of the laws of eighteen hundred and seventy-five :

Chapters forty-nine, three hundred and thirty-five, four hundred and twenty-eight and four hundred and forty-two.

All of chapter four hundred and seventy-nine, except section fifty-four thereof.

All of chapters five hundred and nineteen, six hundred and twenty-three, six hundred and twenty-five and six hundred and thirty.

52. Of the laws of eighteen hundred and seventy-six: 1876.

Chapters one hundred and eighteen and one hundred and thirty-six.

That portion of section five of chapter one hundred and ninety-six, as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and seventy-seven, which follows the words "at nine o'clock in the forenoon."

All of chapter two hundred and five.

Section two of chapter two hundred and sixty-seven.

All of chapters two hundred and seventy-eight and two hundred and ninety-nine.

Sections one and two of chapter three hundred and thirty-eight.

Sections one, three and four of chapter four hundred and thirteen.

All of chapters four hundred and twenty-six, four hundred and thirty-one, four hundred and forty-two and four hundred and forty-nine.

53. Of the laws of eighteen hundred and seventy-seven: 1877.

Chapters one hundred and eighty-seven, two hundred and six, two hundred and seventy-four and two hundred and eighty-five.

54. Of the laws of eighteen hundred and seventy-eight: 1878.

Chapters thirty-three, one hundred and twenty-nine and one hundred and seventy-five.

Sections one, two and five of chapter one hundred and eighty-six.

Section two of chapter two hundred and ninety-eight.

All of chapter three hundred and twenty-four.

55: So much of every provision of the existing laws, not previously specified in this section, relating to fees or other compensation of an officer or other person, as is inconsistent with, or the subject-matter whereof is fully provided for in the Code of Civil Procedure, whether such provision has been heretofore generally repealed or not.

§ 2. The repeal, by the last preceding section of the Code of Procedure, and of the portions of the Revised Statutes therein specified, effects also the repeal of all of the existing laws which expressly amend the said Code of Procedure or the portions of the Revised Statutes so repealed, by adding to or otherwise altering the text thereof. The description contained in the last preceding section of statutes, other than the revised laws of eighteen hundred and thirteen, or the Revised Statutes, refers to the statutes as they appear in the volumes of the laws of each session, printed and published by the State printer until the year eighteen hundred and forty-two, and after that year under the direction of the secretary of State.

§ 3. The repeal effected by the first section of this act is subject to the following qualifications:

1. It does not render ineffectual, or otherwise impair any proceeding in an action or a special proceeding had or taken pursuant to law before this act takes effect; and where the repeal of a provision, specified in that section, would render ineffectual, or otherwise impair, such a proceeding, that provision must be deemed to remain unrepealed for the purpose of avoiding such a result.

2. It does not affect any other lawful act done, or right, defense or limitation, lawfully accrued or established, before this act takes effect; and every such right or act remains as valid and effectual as if this act had not been passed. But this subdivision does not apply to a case provided for in chapter fourth of the Code of Civil Procedure.

3. It does not affect any offense committed, or penalty or forfeiture incurred, before this act takes effect, except that the proceedings in a civil action or special proceeding, brought by reason thereof, are subject to the provisions of the laws in force after this act takes effect.

4. It does not affect the jurisdiction, power or authority of any court or judge, in a criminal action or a criminal special proceeding, nor does it affect any future proceeding, taken according to the existing laws, in such an action or special proceeding, except as otherwise prescribed in subdivision sixth of this section, or implied in chapter twenty-second of the Code of Civil Procedure.

5. It does not affect the power or authority of a court other than the supreme court, a superior city court, the marine court of the city of New York, or a county court, in an action or a special proceeding, of which such a court retains jurisdiction, under the laws in force, after this act takes effect; nor does it affect any future proceeding taken pursuant to law, in such an action or special proceeding, except as otherwise implied in the Code of Civil Procedure.

6. It does not affect the power, authority or jurisdiction of the county court respecting ferries, fisheries, turnpike roads, wrecks, physicians, habitual drunkards, the removal of occupants from State lands, the laying out of railroads through Indian lands, and upon appeal from the determination of commissioners of highways, and all other powers and jurisdiction specially conferred by any statute remaining unrepealed after this act takes effect upon the late court of common pleas of the county or the county court, and to prescribe the manner of exercising such jurisdiction, where the provisions of any statute are inconsistent with the organization of the county court.

7. It does not affect any provision of the existing laws relating to the district courts of the city of New York, or costs or fees or proceedings in, or appeals from, those courts, or the appointment, tenure of office, duty, or compensation of stenographers in those courts, except so far as the subject thereof is expressly regulated or provided for in the Code of Civil Procedure.

8. It does not affect the right of a prevailing party to recover the fees of referees and witnesses and his other necessary disbursements upon the reference of a claim against a decedent, as provided in those portions of the Revised Statutes left unrepealed after this act takes effect.

9. Except as otherwise prescribed in section two of this act, the repeal of any provision of the existing laws, which has been amended by a subsequent provision of those laws, not expressly repealed by this act, does not affect the subsequent provision.

10. The repeal of any provision of the existing laws does not revive any law repealed by the latter.

11. The repeal of a law heretofore repealed is not to be construed as a declaration or implication that the repealed law has been in force at any time subsequent to the former repeal.

12. The repeal of a portion of a law is not to be construed as reviving any other portion of that law which has been expressly or impliedly repealed by a law subsequently enacted.

13. Where a provision of the existing laws, incorporated into or adopted or otherwise referred to in any other provision of the existing laws remaining in force after this act takes effect, is repealed, the former provision, nevertheless, remains in force, for the purpose for which it is so referred to, and for no other; except that where it has been revised in, and made a part of, the Code of Civil Procedure, the

reference is to be construed as applying to the appropriate provision so revised.

14. The repeal of any of the existing laws creating or otherwise relating to an office or employment where the same or a corresponding office or employment is provided for or recognized in the Code of Civil Procedure, or in any other of the existing laws remaining unrepealed after this act takes effect, does not create a vacancy therein, nor does such repeal, except as otherwise prescribed in subdivision fifty-fifth of section first of this act, abolish, diminish or otherwise affect the salary, fees or other compensation of the incumbent, or the time or manner of the payment thereof, or the fund out of which, or officer by whom they are paid, as regulated by the laws so repealed, or the laws remaining unrepealed; nor does this act affect any provision of the existing laws, which requires, in the city of New York, a party filing a first note of issue of fact in the supreme court or a superior city court to pay any sum to the clerk; or which relates to the accounting for, application and disposition of, the sums so paid.

§ 4. The term "existing laws," as used in this act, designates the statutes of the State remaining unrepealed on the day before this act takes effect.

§ 5. This act shall take effect on the first day of September, eighteen hundred and eighty.

CHAP. 246.

AN ACT supplementary to chapter three hundred and sixty eight of the laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes."

Societies
and clubs.

PASSED May 11, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any society, association, or incorporation now incorporated, or that may hereafter be incorporated under and by virtue of chapter three hundred and sixty-eight of the laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes," and the acts amendatory thereof, may, from time to time, extend its objects and business beyond those set forth in its original certificate, so as to include other objects and business authorized by said acts, on making, signing and acknowledging, under the hands of its trustees, or a majority of them, an additional certificate stating the further objects and business of such society, and filing the same in the office of the secretary of State and also in the office of the clerk of the county in which the office of such society shall be situated; provided that no such society or incorporation shall engage, directly or indirectly, in any objects or business not specified or included in the said acts.

Supple-
mentary to
ch. 368,
Laws 1865.

§ 2. This act shall take effect immediately.

Ante, vol. 6, p. 478.

CHAP. 254.

Mining,
mechanical
and
chemical
corpora-
tions.

AN ACT to exempt certain corporations from the provisions of sections five, six and eight, title four, chapter eighteen, part one of the Revised Statutes, entitled "special provisions relating to certain corporations."

PASSED May 11, 1880.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

What cor-
porations
are ex-
empted
from pro-
visions of
§§ 5, 6, 8,
tit. 4, ch.
18, p. 1,
Rev. Stat.

SECTION 1. Every corporation organized under chapter forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," or under any act amendatory thereof or supplementary thereto, is hereby exempted from the provisions of sections five, six and eight, title four, chapter eighteen, part one of the Revised Statutes, entitled "special provisions relating to certain corporations."

§ 2. This act shall take effect immediately.

See vol. 1, pp. 560-1.

CHAP. 259.

New York
city.

AN ACT to secure the registration of the births of children of residents of the city of New York, and the births of children which failed to be recorded through the neglect of the physician or other medical attendant present at such birth, occurring during the temporary absence from such city of the parents of such children, and respecting transcripts of the records.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Registra-
tion of
births.

SECTION 1. The births of the children of actual residents of the city of New York which may have occurred during the temporary absence of the parents of such children from the city of New York, and the births of children which failed to be recorded through the neglect of the physician or other medical attendant present at such birth, may be recorded under and pursuant to the provisions of this act in the bureau of vital statistics of the health department of said city, in a special book to be kept for such purpose, upon application in such behalf by the parents or guardians of such children. Transcripts of any record in the said bureau of vital statistics may be given, in the discretion of the board of health, to a parent or the next of kin to any person whose birth, death or marriage is there recorded, or to any one person authorized to apply for the same, but no transcripts of false or fraudulent returns made to the said bureau, nor of the entries thereof, shall be given; and they shall be canceled, upon due proof of the facts to the board of health.

§ 2. Such application shall be made to the board of health of the

* Not returned by the governor within ten days after it was presented to him, and became a law without his signature, on the 11th day of May, 1880.

health department of such city, and shall be accompanied by a certificate of the physician or midwife attending professionally at such birth, and personally cognizant thereof, together with the affidavit of at least two citizens certifying to their knowledge of the facts, and that the physician or midwife making such certificate of birth is a reputable person in good standing in the community in which he or she may reside. No change or alteration shall at any time be made in any of the records of the said bureau of records in said city without proof satisfactory to and upon the approval of the said board of health.

§ 3. This act shall take effect immediately.

CHAP. 263.

AN ACT for the protection of corporations organized for generating and distributing steam for heating and other purposes.

Corporations for generating and distributing steam.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who, with intent to injure or defraud any coporation organized under the laws of this State for the purpose of generating, supplying or distributing steam for heating or other purposes, shall willfully injure, alter, obstruct or prevent the action of any meter or other device provided for the purpose of measuring and registering the quantity of steam consumed, or the quantity of water resulting from condensation of steam consumed, or cause or procure any such meter or other device to be injured or altered, or the action thereof to be obstructed or prevented, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Persons injuring or defrauding, guilty of a misdemeanor.

Penalty.

§ 2. Any person who, with intent to injure or defraud any corporation organized under the laws of this State for the purposes aforesaid, shall connect, or cause to be connected, any pipe, tube or other instrument or contrivance with any main, service pipe or other pipe for conducting or supplying steam in such manner as to connect with and be calculated to supply steam for heating, for moving machinery or for any other purpose or use without such steam passing through the meter or other device provided for the measuring and registering the quantity of steam consumed, or the quantity of water resulting from condensation of such steam consumed, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Punishment for illegally connecting.

§ 3. Every person who shall willfully or fraudulently injure, or suffer to be injured, and every corporation or association whose officer or agent shall willfully or fraudulently injure, or suffer to be injured, any meter, device, pipe or fitting belonging to any corporation organized under the laws of this State for the purposes aforesaid, or prevent such meter or device from duly registering the quantity of steam consumed, or the quantity of water resulting from the condensation of steam consumed; or shall alter the index of any such meter or device, or in any manner or way interfere with or hinder or obstruct its proper action

Tampering with meter.

or just registration, or shall fraudulently consume or waste the steam of said corporation, shall for each and every such offense forfeit and pay to such corporation the sum of twenty-five dollars, and shall also be liable to such corporation in a civil action for the damages sustained by reason of such offense.

Agent
authorized
to enter
buildings
and exam-
ine meter.

§ 4. Any corporation organized under the laws of this State for the purposes aforesaid may make an agreement with any of its customers by which any officer or agent of such corporation, duly authorized in writing, signed by the president or secretary of said corporation, shall be authorized at all reasonable times to enter any dwelling, store, building, room or places supplied with steam by such corporation and occupied by said customer for the purpose of inspecting and examining the meters, devices, pipes, fittings, and appliances for supplying or regulating the supply of steam, and for ascertaining the quantity of steam consumed, or the quantity of water resulting from the condensation of steam consumed. Every such agreement so made in writing shall further provide that such officer or agent shall exhibit his written authority if requested by the occupant of such dwelling, store, building, room or place. Any person who shall directly or indirectly prevent or hinder such officer or agent from entering such dwelling, store, building, room or place, or from making such inspection or examination, in violation of his agreement with said corporation, shall forfeit and pay to the corporation the sum of twenty-five dollars for each offense.

Penalty
for inter-
fering
with
agent.

Agent may
enter and
cut off,
under
what con-
tingencies.

§ 5. If any person or persons, corporation or association, supplied with steam by such corporation organized under the laws of this State for the purposes aforesaid, shall neglect or refuse to pay the rent or remuneration for such steam, or for the meter, device, pipes, fittings or appliances, let by such corporation for supplying steam, or for ascertaining the quantity of steam consumed, or the quantity of water resulting from the condensation of the steam consumed, agreed upon or due for the same, as required by his, their or its contract with such corporation, the latter may thereupon stop and prevent the steam from entering the premises of such person, persons, corporation or association so neglecting or refusing to pay such rent or remuneration. The said corporation may also in any of the cases enumerated in this act in which a person is liable to pay a forfeiture or is liable to fine or imprisonment, or both such fine and imprisonment, stop and prevent the steam from entering the premises of the person so liable, or if such person be an officer or agent of any corporation or association, stop and prevent the steam from entering the premises of the corporation or association of which the person so liable is an officer or agent. In all cases in which such corporation is authorized to stop and prevent the steam from entering any premises, it may by its officers, agents or workmen, enter into or on such premises between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, and cut off, disconnect, separate, and carry away any meter, device, pipe, fitting or other property of the said corporation; and may cut off, disconnect, and separate any meter, device, pipe or fitting, whether the property of the corporation or not, from the mains or pipes of said corporation.

Penalty
for person-
ating
officer.

§ 6. Any person who shall falsely personate or represent himself to be the officer, agent or workman of any such corporation, and by such false personation or representation shall seek to enter any dwelling, store, building, room or place shall, on conviction thereof, be deemed guilty of felony, and imprisoned at hard labor in the State prison for a term not exceeding five years.

§ 7. This act shall take effect immediately.

CHAP. 267.

AN ACT authorizing individuals, joint-stock associations or corporations engaged in the manufacture of railroad cars, to lay down and maintain railroad tracks connecting their manufacturing establishments with existing railroads.

Corporations for manufacturing railroad cars.

PASSED May 12, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any individual, joint-stock association or corporation now or hereafter engaged in the manufacture of railroad cars in this State may lay down and maintain such railroad tracks, not exceeding one mile in length, as shall be necessary to connect such manufacturing establishment with the tracks of any railroad now or hereafter operated in this State; provided they shall obtain the consent of the owners of one-half in value the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained; or in case the consent of such property owners cannot be obtained, the general term of the supreme court in the district in which it is proposed to be constructed may, upon application, appoint three commissioners, who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

May lay down and maintain railroad tracks.

§ 2. The provisions of this act shall not apply to the counties of New York and Kings.

§ 3. This act shall take effect immediately.

CHAP. 269.

AN ACT to provide for the review and correction of illegal, erroneous or unequal assessments.

Assessments.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. A writ of certiorari may be allowed by the supreme court on the petition, duly verified, of any person or corporation assessed and claiming to be aggrieved, to review an assessment of real or personal property for the purpose of taxation made in any town, ward, village or city of this State, when the petition shall set forth that the assessment is illegal, specifying the grounds of the alleged illegality, or is erroneous by reason of over valuation, or is unequal in that the assessment has been made at a higher proportionate valuation than other real or personal property on the same roll by the same officers, and that the petitioner is or will be injured by such alleged illegal, erroneous or unequal assessment. When the alleged illegality, error or inequality affects several persons in the same manner who are assessed upon the same roll, they may unite in the same petition, and in that case the writ may be allowed, and the proceedings authorized by this act had in behalf of all such petitioners.

Review and correction of illegal, erroneous or unequal taxation.

§ 2. Such writ shall only be allowed by a justice of the supreme court in the judicial district or at a special term of the court in the judicial district in which the assessment complained of was made, and shall be made returnable at a special term in said district. The writ shall not be granted unless application therefor shall be made within fifteen days after the completion and delivery of the assessment roll, and notice thereof given as provided in this act. A writ of certiorari allowed under this act shall not stay the proceedings of the assessors or other officers to whom it is directed, or to whom the assessment roll may be delivered to be acted upon according to law..

§ 3. The court or justice granting the writ shall prescribe in the writ the time within which a return thereto must be made, which shall not be less than ten days, and may extend such time. The assessors or other officers making a return to such writ shall not be required to return the original assessment roll or other original papers acted on by them, but it shall be sufficient to return certified or sworn copies of the roll or other papers, or of such portions thereof as may be called for by such writ. And the return may concisely set forth such other facts as may be pertinent and material to show the value of the property assessed on the roll, and the grounds for the valuation made by the assessing officers, and the return must be verified.

§ 4. If it shall appear by the return to such writ that the assessment complained of is illegal, erroneous or unequal for any of the reasons alleged in the petition, the court shall have power to order such assessment, if illegal, to be stricken from the roll, or if erroneous or unequal, to order a re-assessment of the property of the petitioner, or the correction of such assessment, in whole or in part, in such manner as shall be in accordance with law, or as shall make it conform to the valuations and assessments applied to other real or personal property in the same roll, and secure equality of assessment. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or may appoint a referee to take such evidence as the court may direct, and report the same to the court, and such testimony shall constitute a part of the proceedings upon which the determination of the court shall be made.

§ 5. A new assessment, or correction of an assessment made by order of the court, shall have the same force and effect as if it had been so made by the proper assessing officers within the time originally prescribed by law for making such assessment. Disobedience to a writ or order in any proceeding under this act may be punished by the court as for a contempt.

§ 6. Costs shall not be allowed against assessors or other officers whose proceedings may be reviewed under this act, unless it shall appear to the court that they acted with gross negligence, in bad faith, or with malice. If the writ shall be quashed, or the prayer of the petitioner denied, costs shall be awarded against the petitioner, but the costs shall not in any case exceed the costs and disbursements taxable in an action upon the trial of an issue of fact in the supreme court.

§ 7. Appeal may be taken by either party from an order, judgment or determination under this act as from an order, and shall be heard and determined in like manner. All issues and appeals in any proceedings instituted under this act shall have preference over all other civil actions and proceedings in all courts.

§ 8. If final judgment shall not be given in time to enable the assessors or other officers to make a new or corrected assessment for the

use of the board of supervisors at their annual session, and it shall appear from said judgment that said assessment was illegal, erroneous or unequal, then there shall be audited and allowed to the petitioner, and included in the next year's tax levy of said town, village or city, and paid to the petitioner the amount, with interest thereon, from the date of payment, in excess of what the tax should have been as determined by such judgment or order of the court.

§ 9. All assessment rolls, when finally completed and verified by the assessors, shall, in towns, on or before the first day of September, and in incorporated villages and cities at the time prescribed by their respective charters or laws applicable to them, be delivered to the town, village or city clerk, or other officer, to whom such rolls are or may be required by law to be delivered, and there to remain with such clerk or other officer for a period of fifteen days for public inspection. The assessors or other officers who complete and verify the assessment roll shall, after they have delivered the same to the said town, village or city clerk or other officer, forthwith give public notice by posting the same in at least three of the most public places in said town, village or city, or by publishing the same in one or more newspapers published therein, that such assessment roll has been finally completed, the officer to whom the same has been delivered and the place where the same will be open to public inspection. The fifteen days from which to complete the time within which the application for the writ of certiorari can be made under this act shall be the time when said public notice is first given.

§ 10. This act shall not be construed to repeal or abridge any other right or remedy given to review an assessment by any law applicable to any city or incorporated village, or by the charters thereof.

CHAP. 278.

AN ACT to amend chapter four hundred and three of the laws of eighteen hundred and seventy-nine entitled "An act to prevent certain abuses upon the canals of this State." Canals.

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter four hundred and three of the laws of eighteen hundred and seventy-nine, of an act entitled "An act to prevent certain abuses upon the canals of this State," is hereby amended so as to read as follows : Amending
ch. 403,
Laws 1879.

§ 1. Any lock-tender or other employee of this State upon any of the canals of this State who shall ask, demand or receive, directly or indirectly, from any boatman or other person, any fee, reward or gratuity for doing or omitting to do any act or thing in his capacity as such lock-tender or employee; and any boatman or other person who shall pay or offer to pay, directly or indirectly, to any lock-tender or other employee of this State, upon any of the canals of this State, any fee, reward or gratuity for doing or omitting to do any act or thing in his capacity as such lock-tender or employee, shall, upon conviction, be adjudged guilty of a misdemeanor. Employee
receiving
compensa-
tion for
doing or
neglecting
to do any
act within
his ca-
pacity as
employee,
guilty of a
misdemeanor.

§ 2. This act shall take effect immediately.

Ante, p. 786.

CHAP. 282.**Lobsters.****AN ACT for the preservation of lobsters.**

PASSED May 18, 1880; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*Sale of
lobsters
under
certain
measure-
ment pro-
hibited.

SECTION 1. Whoever shall sell, or offer for sale, or have in possession with intent to sell, any lobster less than ten and one-half inches in length, measurement to be taken from one extremity of the body to the other, exclusive of claw or feelers, shall, for every such offense, be subject to a fine of five dollars; and in all prosecutions under this act the possession of any lobster not of the length herein prescribed shall be prima facie evidence to convict.

§ 2. All forfeitures accruing under this act shall be paid one-half to the person making the complaint, and one-half to the city or town where the offense was committed.

§ 3. This act shall take effect on the first of June, eighteen hundred and eighty.

CHAP. 283.**Abortion.**

AN ACT to amend chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-two, entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," is hereby amended so as to read as follows :

PASSED May 18, 1880; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*Amending
ch. 181.
Laws 1872.

SECTION 1. Section three of chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-two, entitled "An act for the better prevention and procurement of abortions and other like offenses and to amend the laws relative thereto," is hereby amended so as to read as follows:

Penalty
for pro-
curement.

§ 3. Every person who shall administer to any pregnant woman, or prescribe for any such woman, or advise or procure any such woman to take any medicine, drug, substance or thing whatever, or manufacture, advertise or sell any such medicine, drug, substance or thing whatever, or shall use or employ upon any such woman, or advise or procure any such woman to submit to the use or employment of any instrument or other means whatever, with intent thereby to procure the miscarriage of any such woman, shall upon conviction be punished by imprisonment in a county jail, or in a State prison, not less than one nor more than three years in the discretion of the court.

§ 2. This act shall take effect immediately.

Ante, vol. 9, p. 340.

CHAP. 287.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs." Savings banks.

PASSED May 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-six of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs," is hereby amended so as to read as follows: Amending ch. 372. Laws 1875.

§ 26. It shall be lawful for the trustees of any savings bank to invest the moneys deposited therein only as follows, namely:

First. In the stocks or bonds, or interest-bearing notes, or obligations of the United States, or those for which the faith of the United States is pledged to provide for the payment of the interest and principal, including the bonds of the district of Columbia commonly known as the three-sixty-five bonds. In what manner trustees may lawfully invest moneys.

Second. In the stocks or bonds of this State bearing interest.

Third. In the stocks or bonds of any State in the Union that has not, within ten years previous to making such investment by such corporation, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislature of such State to be contracted.

Fourth. In the stocks or bonds of any city, county, town or village of this State issued pursuant to the authority of any law of this State, or in any interest-bearing obligations issued by the city or county in which such bank shall be situated.

Fifth. In bonds and mortgages on unincumbered real estate situate in this State and worth at least twice the amount loaned thereon, but not to exceed sixty per centum of the whole amount of deposits shall be so loaned or invested; but in case the loan is on unimproved and unproductive real estate the amount loaned thereon shall not be more than forty per centum of its actual value; and no investment in any bond and mortgage shall be made by any savings bank, except upon the report of a committee charged with the duty of investigating the same, and who shall certify to the value of the premises mortgaged, or to be mortgaged, according to their best judgment, and such report shall be filed and preserved among the records of the institution.

Sixth. In real estate subject to the provisions of section twenty-nine of this act.

§ 2. This act shall take effect immediately.

Ante. p. 126.

CHAP. 292.

Villages.

AN ACT further to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," and the acts amendatory thereof.

PASSED May 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 291,
Laws 1870.

SECTION 1. Title three of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby further amended by adding thereto a section in addition to those added by chapter six hundred and eighty-eight of the laws of eighteen hundred and seventy-one, to be numbered section twenty-two as follows:

Owners of
land grad-
ing or flag-
ging side-
walks to
be cred-
ited on
assess-
ment.

§ 22. Whenever any person owning or occupying lands adjoining a highway within the limits of any village incorporated under the provisions of this act shall, with the consent of the trustees of such village, or a majority of them, grade and flag or construct a stone sidewalk within such highway, along the line of such lands so owned or occupied by him, of the width of four or more feet, it shall be the duty of said trustees to examine the same when finished, and to credit such owner or occupant therefor so much on account of his assessment for highway tax in said village, as such trustees shall deem necessary, to pay not to exceed three-fourths of the actual and necessary expense of constructing such sidewalk, and to deliver to such owner or occupant their certificate of the amount of such credit; but such credit shall in no case be less than three dollars per lineal rod for the amount of said walk so constructed and finished. If said trustees find said walk or walks to be of less value than four dollars per lineal rod, then they are to give no credit whatever for the construction of the same. The trustees of such village shall thereafter exempt the owner or occupant of such lands from all highway taxes in said village, till the amount of such exemption shall be equal to the sum of the credit for which said certificate was allowed.

§ 2. This act shall take effect immediately.

Ante, vol. 7, p. 692; vol. 9, p. 120.

CHAP. 298.

AN ACT to protect the rights of citizens of this State own-
ing and holding claims against other States.

Rights of
citizens.

PASSED May 15, 1890.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any citizen of this State, being the owner and holder of any valid claim against any of the United States of America, arising upon a written obligation to pay money, made, executed and delivered by such State, which obligation shall be past due and unpaid, may assign the same to the State of New York, and deliver the assignment thereof to the attorney-general of the State. Such assignment shall be in writing, and shall be duly acknowledged before an officer authorized to take the acknowledgment of deeds, and the certificate of such acknowledgment shall be duly indorsed upon such assignment before the delivery thereof. Every such assignment shall contain a guaranty, on the part of the assignor, to be approved by the attorney-general, of the expenses of the collection of such claim, and it shall be the duty of the attorney-general, on receiving such assignment, to require, on behalf of such assignor, such security for said guaranty as he shall deem adequate.

Citizens
having
claims
against
other
States may
assign
claim to
State.

§ 2. Upon the execution and delivery of such assignment in the manner provided for in section one of this act, and furnishing the security as in said section provided, and the delivery of such claim to him, the attorney-general shall bring and prosecute such action or proceeding in the name of the State of New York, as shall be necessary for the recovery of the money due on such claim, and the said attorney-general shall prosecute such action or proceeding to final judgment, and shall take such proceedings after judgment as may be necessary to effectuate the same.

Attorney-
general to
prosecute
action.

§ 3. The attorney-general shall forthwith deliver to the treasurer of the State, for the use of such assignor, all moneys collected upon such claim, first deducting therefrom all expenses incurred by him in the collection thereof, and said assignor, or his legal representatives, shall be paid said money by said treasurer upon producing the check or draft therefor of the attorney-general to his or their order and proof of his or their identity.

Proceeds
to be
delivered
to treas-
urer for
use of
assignor.

§ 4. This act shall take effect immediately.

CHAP. 300.

Married
women.

AN ACT to amend chapter two hundred and forty-nine of the laws of eighteen hundred and seventy-nine, entitled "An act in relation to the acknowledgment by married women of deeds and other written instruments."

PASSED May 15, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 249.
Laws 1879.

SECTION 1. Section one of chapter two hundred and forty-nine of the laws of eighteen hundred and seventy-nine, entitled "An act in relation to the acknowledgment by married women of deeds and other instruments," is hereby amended so as to read as follows:

Acknowledgment
may be
made by
married
women
same as if
sole.

§ 1. The acknowledgment by married women or the proof of the execution by married women of deeds or other written instruments may be made, taken and certified in the same manner as if they were sole; and all acts and parts of acts which require from them any other or different acknowledgments, proofs or certificates thereof are hereby repealed.

§ 2. This act shall take effect immediately.

Ante, p. 739.

CHAP. 301.

Code of
Civil Pro-
cedure.

AN ACT to amend the Code of Civil Procedure.

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
§ 1786, Code.

SECTION 1. Section seventeen hundred and eighty-six of the Code of Civil Procedure is hereby amended so as to read as follows:

Action by
stockhold-
ers of cor-
porations.

§ 1786. An action specified in the last section may be maintained by the attorney-general in the name and in behalf of the people; and whenever a creditor or stockholder of any corporation submits to the attorney-general a written statement of facts, verified by oath, showing grounds for an action under the provisions of the last section, and the attorney-general omits, for sixty days after this submission, to commence an action specified in the last section, then, and not otherwise, such creditor or stockholder may apply to the proper court for leave to commence such an action, and on obtaining leave may maintain the same accordingly.

Amending
§ 2011, Code.

§ 2. Section two thousand and eleven of the Code of Civil Procedure is hereby amended so as to read as follows:

Writs in
criminal
cases.

§ 2011. A writ shall not be issued, by virtue of either of the last three sections, to bring up a prisoner, sentenced to death. Nor shall it be issued to bring up a prisoner confined under any other sentence for a felony; except where the application is made, in behalf of the people, to bring him up as a witness on the trial of an indictment, and then only by and in the discretion of a justice of the supreme court or a judge of a superior city court, upon such notice to the district attorney of the county wherein the prisoner was convicted, and upon such terms and conditions, and under such regulations, as the judge prescribes.

§ 3. This act shall take effect on the second day of September next.

CHAP. 302.

AN ACT to authorize cities and incorporated villages to charge license fees to persons doing a retail business on the canals of this State. Cities and villages.

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall hereafter be lawful for the authorities of any city or incorporated village, in this State, to charge and collect a license fee from all persons doing a retail business in the sale of goods of any description, except products of the farm and unmanufactured products of the forest, from canal boats in the canals of this State within the limits of such cities or villages. The authorities of such cities or villages shall have power to fix the amount to be charged for such licenses at such sum as in their discretion they may deem just. They shall also have power to enforce the collection of such license fees in the same manner as they are now severally authorized to do by law. Authorities authorized to collect license for persons engaged in retail business.
1 Edm. 532.

§ 2. Nothing in this act contained shall be held or construed to conflict in any manner with the provisions of title four of chapter seventeen of part one of the Revised Statutes.

§ 3. This act shall take effect immediately.

See ch. 434, *post*, p. 1015.

CHAP. 305.

AN ACT to authorize and facilitate the construction and improvement of sidewalks in the streets of unincorporated villages, and the application of highway labor thereto. Villages.

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of highways of any of the towns in this State may, from time to time, authorize such part of the highway labor assessed upon the inhabitants and property of any unincorporated village within the limits of any road district, as in their judgment is expedient and proper, and not necessary for the maintenance of the highways therein to be performed, or the commutation moneys received therefor expended by and under the direction of the overseer of highways for such district, in the construction, repairs, and improvement of sidewalks within the limits of such village; and for such purpose may also, from time to time, by writing signed by them, or a majority of them, and filed with the town clerk of such town, authorize such proportion of the highway labor of such village as in their judgment is not needed for the annual repairs of the highways therein, to be anticipated for one or more years not exceeding three, and thereupon any person or corporation, resident of or owning property within such village, and assessed for highway labor in the district in which such village is situated, may, in the year so designated in such order, anticipate his, her or its assessment for highway labor, for such time as he, she or it may see fit within the limits so prescribed by the Construction of sidewalks in incorporated villages.

commissioners, and may perform the labor so anticipated under the direction of such overseer within such year, or commute therefor to such overseer.

Overseer
to give
certificate
of labor
per-
formed.

§ 2. It shall be the duty of such overseer to give to such person or corporation, upon the performance of such labor or commutation therefor, a certificate signed by him, showing the number of days' labor so anticipated and worked or commuted for by such person or corporation; and in each succeeding year, upon presentation of such certificate, such person or corporation shall be credited and allowed by the overseer of highways with the performance of the number of days' labor so assessed to him, her or it for such year, until such credit shall equal the number of days so stated in such certificate to have been anticipated, and shall indorse thereon a statement signed by him showing such credit and allowance.

Transfer
of real
estate.

§ 3. Upon a transfer of any real estate, upon or for which assessments for highway labor may have been so anticipated and worked or commuted for, the certificate mentioned in section two may also be transferred to the grantee of such real estate, and the provisions of said section shall apply thereto, and such certificate shall be operative and have the same effect in favor of the then owners of such real estate as in the hands of the original owner thereof; and upon the death of any person then owning property, real or personal, upon which the highway labor has been anticipated, such certificate shall in like manner be operative and have the like effect in favor of the devisees, legatees, heirs or personal representatives of the deceased, who may be the then owner of such property, or any part thereof, and assessed for highway labor thereon.

§ 4. This act shall take effect immediately.

CHAP. 308.

Highways
and
bridges.

AN ACT to amend chapter sixteen of part one of the Revised Statutes, in relation to highways and bridges.

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 16, part
1, Revised
Statutes.

SECTION 1. Section thirteen of article one, title one, chapter sixteen of part one of the Revised Statutes is hereby amended so as to read as follows:

Overseer
to receive
extra com-
pensation
for extra
duty.

§ 13. If any overseer shall be employed more days in executing the several duties enjoined on him by this chapter than he is assessed to work on the highway, he shall be paid for the excess at the rate of twelve and a half cents per hour for each day, and be allowed to retain the same out of the moneys which may come into his hands for fines under this chapter, but he shall not be permitted to commute for the days he is assessed.

§ 2. Section thirty-five of said chapter is hereby amended so as to read as follows:

Commuta-
tion.

§ 35. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed, but every such person other than an overseer may elect to commute for the same, or for some part thereof, at the rate of twelve and a half cents per

hour for each day, in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in the improvement of the roads and bridges in the same district.

§ 3. Section thirty-eight of said chapter is hereby amended so as to read as follows:

§ 38. Every person assessed to work on the highways and warned to work may appear in person, or by an able-bodied man as a substitute, and the person or substitute so appearing shall actually work eight hours in each day, unless such person be assessed one dollar and twenty-five cents or more, when such person or his substitute shall be allowed to actually work ten hours in each day, under the penalty of twelve and a half cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

Substitutes.

§ 4. Section thirty-nine of said chapter is hereby amended so as to read as follows:

§ 39. If any such person or his substitute shall, after appearing, remain idle or not work faithfully, or hinder others from working, such offender shall, for every offense, forfeit at the rate of twelve and a half cents an hour for each day.

Penalty for neglect to perform duty.

§ 5. Section forty of said chapter is hereby amended so as to read as follows:

§ 40. Every person so assessed and duly notified who shall not commute, and who shall refuse or neglect to appear as above provided, shall forfeit, for every day's refusal or neglect, at the rate of twelve and a half cents an hour for each day. If he was required to furnish a team, carriage, man or implements, and shall refuse to comply, he shall be fined as follows:

Penalty for not appearing or refusal to commute.

1. For wholly omitting to comply with such requisition, three dollars for each day of eight hours, and three dollars and seventy-five cents for each day of ten hours.

2. For omitting to furnish a cart, wagon or plough, one dollar for each day of eight hours, and one dollar and twenty-five cents for each day of ten hours.

3. For omitting to furnish a pair of horses or oxen, one dollar for each day of eight hours, and one dollar and twenty-five cents for each day of ten hours.

4. For omitting to furnish a man to manage the team, one dollar for each day of eight hours, and one dollar and twenty-five cents for each day of ten hours.

§ 6. Section forty-five of said chapter is hereby amended so as to read as follows:

§ 45. Every penalty collected for a refusal or neglect to appear and work on the highways shall be set off against the assessment upon which it was founded, estimating all moneys collected as a satisfaction at the rate of twelve and a half cents an hour for each day.

Penalties collected to be set off against assessment.

§ 7. This act shall take effect immediately.

Acts, vol. 1, pp. 463 and 468-70.

CHAP. 316.

Deputy
Comptroller.

AN ACT establishing the salary of the deputy comptroller.

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Salary.

Appropriation for
deficiency.

SECTION 1. The salary of the deputy comptroller is hereby fixed at four thousand dollars per annum, from the first day of June, eighteen hundred and eighty, and the sum of five hundred dollars is hereby appropriated to supply deficiency in said salary.

§ 2. All laws inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 320.

Supervisors.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors.

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 482,
Laws 1875.

SECTION 1. The fifth subdivision of the first section of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," as modified and amended by chapter two hundred and fifty-seven of the laws of eighteen hundred and seventy-six, and chapter three hundred and sixty-four of the laws of eighteen hundred and seventy-nine, is hereby further amended so as to read as follows:

Supervisors of two
counties authorized
to apportion
expense
for maintenance of
joint
bridge.

5. To provide for the care, maintenance, preservation and reparation of any draw or other bridge (except on the Hudson river below Waterford and on the East river, or over the waters forming the boundaries of this State), crossing a stream which forms at the point of crossing the dividing line of counties or of towns, and the maintenance, care, and preservation of which bridge is by law a joint charge on such counties, or on such towns, or on the towns in which such bridge may be situated, and to severally apportion, as such board may deem equitable, the charge and expense for such maintenance, care, preservation, and reparation, on the towns respectively liable therefor, or on the respective counties when liable; but when such bridge shall span any portion of the navigable tide-waters of this State forming at the point of crossing the boundary line between two counties, such expense shall be a joint and equal charge on the two counties in which the same is situated, and the board of supervisors in each of such counties is hereby authorized and directed to apportion such expense among the several towns and cities in their respective counties, or upon any or either of such towns and counties as in their judgment

may seem proper, provided, however, that no town or city not immediately adjacent to such waters at the point spanned by such bridge shall be liable for any larger proportion of such expense, than the taxable property of such town or city bears to the total amount of taxable property of such county. But no such bridge shall be constructed unless the same is authorized by a resolution adopted by a majority of the board of supervisors in each of such counties.

§ 2. This act shall take effect immediately.

Ante, p. 158.

CHAP. 322.

AN ACT to establish a State board of health.

Board of
health.

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Within twenty days after the passage of this act, the governor shall appoint, by and with the advice and consent of the senate, three State commissioners of health, two of whom shall be graduates of legally constituted medical colleges and of not less than seven years' practice of their profession. The said commissioners together with the attorney-general, the superintendent of the State survey and the health officer of the port of New York, who shall be ex-officio members of the State board of health, and three other persons to be designated and appointed by the governor, one of whom shall be a commissioner of health of the board of health of the city of New York, and the others shall be members or commissioners of health of regularly constituted and organized boards of health of cities of the State, shall constitute the board of health of the State of New York. Nothing in chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, of the State of New York or in the laws amending the same, or in the laws constituting boards of health in the various cities of the State, shall be read or construed to prevent the appointment of the said commissioners of board of health of cities, also members of the board of health of the State of New York, and no appointment to an office or acceptance thereof under this law shall be held to vacate the office previously held in any board of health of any city in this State.

Establish-
ment.

§ 2. The said three commissioners so appointed shall take the oath of office prescribed by the constitution for State officers, and receive from the secretary of State certificates of their appointment. They shall hold office for three years, and whenever a vacancy occurs, the place shall be filled as in other cases provided by law, and the other commissioners shall, from time to time, be designated by the governor as occasion may require, or as their places may be vacated in the board by the expiration of their several terms of office.

Commis-
sioners'
oath.

§ 3. The State board of health shall meet at least once in every three months and as much oftener as they shall deem necessary, their first meeting being held in the city of Albany within two weeks after the appointment duly made of the members of the first board and after they shall have qualified as aforesaid, and each annual meeting shall be held within two weeks after the first of May each year after the first, as herein provided. No member of the board except the secretary

Meetings.

shall receive any compensation, but the actual traveling and other expenses of the members and officers of said board while engaged in their duties shall be allowed and paid out of the appropriation made for its support. They shall elect annually one member of the board to be president; they shall also elect from among their own members or otherwise, a person of skill and experience in public health duties and sanitary science, to be the secretary and executive officer of said board, who shall have all the powers and privileges of a member of the board except in regard to voting upon matters relating to his own office and duties as secretary, and he shall hold said office for the term of three years, but he may be removed for cause after a full hearing by the board, a majority of the members voting therefor.

By-laws.

§ 4. The State board of health may adopt by-laws regulating the transaction of its business, and provide therein for the appointment of committees * in whom it shall delegate authority and power for the work committed to them, and it may also adopt and use an official seal. Five members shall constitute a quorum for the transaction of business.

**Secretary,
duties of.**

§ 5. The secretary shall keep a record of the acts and proceedings of the board, perform and superintend the work prescribed in this act, and such other duties as the board may order, and shall receive an annual salary of three thousand dollars, which shall be paid him in the same manner as the salaries of other State officers are paid, and such necessary expenses shall be allowed him as the comptroller shall audit on the presentation of an itemized account having vouchers annexed, together with the certificate of the board.

**Duties of
board.**

§ 6. Said board shall take cognizance of the interests of health and life among the people of the State, they shall make inquiries in respect to the cause of disease, and especially of epidemics, and investigate the sources of mortality, and the effects of localities, employments and other conditions upon the public health. It shall be the duty of said board to obtain, collect and preserve such information relating to deaths, diseases and health as may be useful in the discharge of its duties, and contribute to the promotion of the health or the security of life in the State of New York. And it shall be the duty of all health officers and boards of health in the State to communicate to said State board of health copies of all their reports and publications; also such sanitary information as may be useful.

§ 7. It shall be the duty of the State board of health to have the general supervision of the State system of registration of births, marriages and deaths, and also the registration of prevalent diseases. Said board shall prepare the necessary methods and forms for obtaining and preserving such records, and to insure the faithful registration of the same in the several counties, and in the central bureau of vital statistics at the capital of the State. The said board of health shall recommend such forms and amendments of law as shall be deemed to be necessary for the thorough organization and efficiency of the registration of vital statistics throughout the State. The secretary of said board of health shall be the superintendent of registration of vital statistics of the State. As supervised by the said board, the clerical duties and safe-keeping of the bureau of vital statistics thus created shall be provided for by the comptroller of the State, who shall also provide and furnish such apartments and stationery as said board shall require in the discharge of its duties. And the State board of health

* So in original.

shall also prepare the necessary methods and forms and prescribe the rules regulating the issue and use of transfer permits, with the proper coupons attached thereto, to be issued by local organized boards of health, for the transportation of the dead bodies of persons which are to be carried for burial beyond the limits of the counties where the death occurs; and in all cases the said board of health shall require coupons to be attached to such permits, to be detached and preserved by every common carrier, or the person in charge of any vessel, said railroad train or vehicle to whom such dead bodies shall be delivered for transportation. Any violation of such rules and regulations shall be a misdemeanor.

§ 8. At any time the governor of the State may require the State board of health to examine into nuisances, or questions affecting the security of life and health in any locality, and in such case the said board shall have all necessary powers to make such examinations, and it shall report the results thereof to the governor within the limits of time which he shall prescribe for such examination and report. The report of such examination, when approved by the governor, shall be filed in the office of the secretary of State, and the governor may, in relation to the matters or things found and certified by the State board of health to be nuisances, declare them to be public nuisances, and order them to be changed as he shall direct, or abated and removed. Any violation of such an order shall be held and punished as a misdemeanor, and thereafter, the governor may by his order, in writing, certified under his official seal, directed to the officers of the county in which the said nuisance shall be situated, require the district attorney, the sheriff and the other officers of every such county, to take all necessary measures to execute and to have obeyed the order of the governor.

Governor may require board to examine into nuisances

§ 9. At any time at the request of the State board of health, or whenever the governor shall as hereinbefore provided have directed an examination and report to be made by the State board of health into any alleged nuisance, any board of health of any city of the State may appoint and select any one of its officers as its representatives, during such examination of any nuisance, and such representative officer shall have a seat at, and be entitled to take part in, all the deliberations of the State board of health, during such investigation, but without the right to vote.

Board may select members of local board to act with them.

§ 10. Said board may, from time to time, engage suitable persons to render sanitary service and to make or supervise practical and scientific investigations and examinations requiring expert skill, and to prepare plans and report relative thereto. And it is hereby made the duty of all officers and agents having the control, charge or custody of any public structure, work, ground or erection, or of any plan, description, outlines, drawings or charts thereof, or relating thereto, made, kept or controlled under any public authority, to permit and facilitate the examination and inspection, and the making of copies of the same by any officer or person by said board authorized; and the members of said board, and such other officer or person as may at any time be by said board authorized, may, without fee or hindrance, enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings and places. But no more than five thousand dollars in any one year shall be expended for such special sanitary service.

May employ scientific persons to assist.

§ 11. It shall be the duty of said board, on or before the first Monday of December in each year to make a report in writing to the gov-

Report.

ernor of the State, upon the vital statistics and the sanitary condition and prospects of the State; and such report shall set forth the action of said board and of its officers and agents and the names thereof, for the past year, and may contain other useful information, and shall suggest any further legislative action or precautions deemed proper for the better protection of life and health. And the annual report of said board shall also contain a detailed statement of the comptroller of all money paid out by or on account of said board, and a detailed statement of the manner of its expenditure, during the year last past, but its total expenditures shall not exceed the sum of fifteen thousand dollars in any one year.

Appropriation.

§ 12. The sum of fifteen thousand dollars is hereby appropriated from the general fund for the purposes of this act, and the expenditures properly incurred by authority of said board and verified by affidavit, subject, however, to the limitations hereinbefore imposed, and shall be paid by the treasurer upon the warrant of the comptroller.

§ 14. This act shall take effect immediately.

CHAP. 336.

Supervisors.

AN ACT supplemental to chapter one hundred and ninety-four of the laws of eighteen hundred and forty-nine, entitled "An act to vest in the board of supervisors certain legislative powers, and to prescribe their fees for certain services," and to repeal chapter five hundred and ninety-seven of the laws of eighteen hundred and seventy, amendatory of said act.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supplemental to ch. 194, Laws 1849, repealing ch. 597, Laws 1870.

Formation of new towns and apportionment of bonds for construction of railroads.

SECTION 1. Whenever any board of supervisors shall form a new town within its respective county, from parts of other towns, or town which shall have bonded to aid in the construction of any railroad under any act authorizing the same, and such bonds, or any part thereof, shall remain unpaid, or when any board of supervisors shall change the line of any town which shall have bonded to aid in the construction of any railroad in this State, and such bonds, or any part thereof, shall remain unpaid, the new town so formed and the part or parts taken from a town and added to another town shall pay a proportionate share of such bonds as shall remain unpaid, which share shall be ascertained from the assessed valuation of such town or towns as contained in the last equalized valuation of the assessment roll, made prior to the formation of such town or the change of any such town line.

Railroad commissioners to render statement.

§ 2. It shall be the duty of the railroad commissioners of the town, any part of whose territory shall have been detached as aforesaid, to render a true statement to the board of supervisors, as now required by the general railroad act, of the amount necessary to pay the proportionate share belonging to the territory detached from their town, which may be then coming due, and the board of supervisors shall add such proportionate share to the sums to be collected from the town so

formed, or to the part or parts which shall have been detached from a town and added to another town, to be collected as prescribed by law.

§ 3. The assessors of the town or towns to which shall have been added a part of another town shall yearly, until such bonds be paid, make a separate and distinct list of the taxable inhabitants and lands contained in the territory so annexed in the assessment roll of the said town, in all respects similar in form and manner to the assessment roll as now made. Said list shall be designated in such roll "List of annexed lands and inhabitants."

Assessors to make list of taxable inhabitants and lands.

§ 4. Such proportionate shares of moneys collected as provided in the second section of this act shall be paid by the supervisor of the town wherein collected to the railroad commissioners of the town or towns from which such territory shall have been detached, and such commissioners shall use such moneys for the payment of the bonds issued in the same manner they are required to use the moneys raised in their own town.

Moneys to be paid by supervisor to railroad.

§ 5. The provisions of this act shall apply to all cases where a new town shall have been formed, or the line of any town shall have been changed by the board of supervisors of any county since the first day of January, eighteen hundred and seventy-nine, where no proceedings have been taken under chapter five hundred and ninety-seven of the laws of eighteen hundred and seventy.

In what cases provisions of act shall apply.

§ 6. Chapter five hundred and ninety-seven of the laws of eighteen hundred and seventy, entitled "An act to amend an act entitled 'An act to vest in the board of supervisors certain legislative powers and to prescribe their fees, passed April third, eighteen hundred and forty-nine,'" is hereby repealed.

Ante, vol. 8, p. 831; vol. 7, p. 765.

CHAP. 337.

AN ACT to amend chapter one hundred and eighty-four of the laws of eighteen hundred and thirty-nine, entitled "An act in relation to trusts for the benefit of the meetings of the religious society of Friends."

Religious societies.

PASSED May 20, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and eighty-four of the laws of eighteen hundred and thirty-nine, entitled "An act in relation to trusts for the benefit of the meetings of the religious society of Friends," is hereby amended so as to read as follows:

Amending ch. 184, Laws 1880.

§ 2. Trusts of real or personal estate for the benefit of any meeting of the religious society of Friends may be hereafter created for the use of such meeting according to the regulations and rules of discipline of said society; and the legal estate of any property, so held in trust, shall be vested in the trustees and in those to whom such property may be conveyed in trust, by the appointment of any such meeting, so long as may be required for the objects and purposes of such trusts, but nothing contained in this act shall be so construed as to impair or diminish the rights of any person, meeting, or association of persons claiming to be a meeting of the religious society of Friends, which such person, or meeting, or association claiming to be a meeting as aforesaid, had either in law or in equity to or in any real or personal estate held in trust for the use and benefit of any meeting of the said religious society, prior to the division which took place in said religious society at the yearly meeting held in the city of New York in the month of May, in the year of our Lord one thousand eight hundred and twenty-eight; and nothing in this act contained shall authorize any real or personal estate to be held in trust for any meeting of such society, the annual value or income of which shall exceed twenty thousand dollars.

Society of Friends, trusts may be created for use of.

§ 2. This act shall take effect immediately.

Ante, vol. 4, p. 428.

CHAP. 340.

Boundary
lines.

AN ACT to provide for the settlement of the boundary lines between the State of New York and the States of Pennsylvania and New Jersey, respectively.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Establish-
ment of
lines
between
states of
New York,
New
Jersey
and
Pennsyl-
vania.

SECTION 1. Whereas, by an act of the legislature, passed the twenty-sixth day of May, eighteen hundred and seventy-five, the regents of the university were authorized and directed, "in connection with the authorities of Pennsylvania and New Jersey, respectively, to replace any monuments which have become dilapidated or been removed, on the boundary lines of those States;" and, whereas, from the examination made by said regents it has been found that said monuments, as located by the original joint commissioners, do not conform in all cases to the verbal descriptions of said lines, and questions have arisen between the commissioners of said States as to the proper location of said monuments; therefore, it is hereby declared that the lines originally laid down and marked with monuments by the several joint commissioners duly appointed for that purpose, and which have since been acknowledged and legally recognized by the several States interested, as the limits of their territory and jurisdiction, are the boundary lines of said States, irrespective of want of conformity to the verbal descriptions thereof.

§ 2. Said regents are hereby authorized and empowered to designate and appoint three of their number as commissioners to meet such commissioners as have been or may be appointed and vested with similar powers, on the part of the States of Pennsylvania and New Jersey, or either of them, and with such last-mentioned commissioners, as soon as may be, to proceed to ascertain and agree upon the location of said lines as originally established and marked with monuments; and in case any monuments are found dilapidated or removed from their original location, said commissioners are authorized to renew or replace them in a durable manner, in their original positions, and to erect such additional monuments at such places on said lines as they may deem necessary for the proper designation of the boundary lines of said States. The said regents shall report the action of said commissioners to the legislature of this State for its consideration and ratification.

§ 3. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury applicable for such purposes, to pay the necessary expenses and disbursements of said commissioners in the performance of the duties required by this act, and the comptroller is authorized to draw his warrant upon the treasurer for moneys hereby appropriated from time to time, as the same may be needed.

§ 4. This act shall take effect immediately.

CHAP. 341.

AN ACT to legalize the official acts of certain justices of the peace. Justices of the peace.

PASSED May 20, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official acts of every justice of the peace heretofore done and performed, duly elected or appointed to the office, so far as such official acts may be affected, impaired or questioned, by reason of the failure of any such justice to take and subscribe to the official oath as required by law are hereby legalized and confirmed. Acts questioned by reason of failure to take oath, legalized.

§ 2. Nothing herein contained shall affect any suit or proceeding now pending.

§ 3. This act shall take effect immediately.

See ch. 221, *ante*, p. 953.

CHAP. 347.

AN ACT to provide for the reporting of appointments or commitments to the benevolent institutions of the State, excepting the county of Kings. Benevolent institutions.

PASSED May 20, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each of the asylums, reformatories, homes, retreats, penitentiaries, jails, or other institution of this State, in which the board, instruction, care or clothing of persons committed thereto is, or shall be, a charge against any county of this State, or town therein, shall be known for the purposes of this act as one of the State benevolent institutions of the State. What are.

§ 2. It shall be the duty of every judge, justice, superintendent of the poor, overseer of the poor, supervisor, or other person, who by law is authorized to make commitments or appointments to any of the State benevolent institutions of the State, to make a report in writing to the clerk of the board of supervisors of the county so liable, or of the county in which any town is so liable, for the board, instruction, care, or clothing mentioned in section one of this act; said report shall be made within ten days after making such commitment or appointment, and shall show, when known, the nationality, age, sex, and residence of each person so appointed or committed, and the length of time of such appointment or commitment. Committing officer to report.

§ 3. It shall be the duty of the keeper, superintendent, warden, secretary, director, or other proper officer of each of the State benevolent institutions of the State, within ten days after receiving any person into any of the institutions mentioned in section one of this act, whose board, care, instruction, tuition, or clothing shall be chargeable to any town or county, to make a report in writing to the clerk of the board of supervisors of the county so liable, or of which any town is so liable. Such report shall show when such persons were received into said institution, and when known, the name, age, sex, nationality, Officers of institution to report.

residence, length of time of commitment or appointment, the name of the officer making such commitment or appointment, and the sum chargeable per week, month or year for such person.

Death,
removal or
discharge
of occu-
pants to be
reported.

§ 4. In case of the death, removal or discharge of any person committed or appointed to any of the institutions mentioned in this act, it shall be the duty of the officers mentioned in section three of this act, to immediately report to the clerk of the board of supervisors of the respective county the date of such death, removal or discharge.

Officers to
render
sworn
statement
of ac-
counts.

§ 5. It shall be the duty of the officers mentioned in section three of this act, annually, on or before the fifteenth day of September, to present to the clerk of the board of supervisors of the county, liable for the board, instruction, care, or clothing mentioned in this act, or of the county in which any town is so liable, a sworn statement of the account of such institution, with such county or town, up to the first day of October next succeeding, and in case of a claim for clothing, an itemized statement of the same, and in case any part of the board, care, tuition, or clothing has been paid by any person or persons, the account shall show what sum has been so paid; and accompanying such account shall be a report showing the name, age, sex, nationality, and residence of each person mentioned in the account, the name of the officer who made the commitment or appointment, the date and length of commitment or appointment, the time to which the account has been paid, and the amount claimed to the first day of October next succeeding, the sum per week or per annum charged, and if no part of such account has been paid by any person or persons, the report shall show such fact, duly verified.

Penalty for
neglect.

§ 6. Any officer mentioned in this act who shall refuse or neglect to make the reports required by this act shall not be entitled to receive any compensation or pay for any services, salary or otherwise, from any town or county to which he is required to make such report.

Filing of
report.

§ 7. The clerk of the board of supervisors who shall receive any report or account in pursuance of the provisions of this act shall carefully file the same and present the same to the respective boards of supervisors on the second day of the annual meeting of the board next succeeding the receipt of the same.

Poor-
houses
exempt.
Kings
county
exempt.

§ 8. The poor-houses in the several counties of this State are hereby exempted from the provisions of this act.

§ 9. Nothing in this act contained shall be held to apply to the county of Kings.

§ 10. This act shall take effect immediately.

CHAP. 348.

Normal
schools.

AN ACT concerning the grounds, buildings and property of the State provided for normal schools, the custody, protection and preservation of the same, and the powers of local boards in relation thereto.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Local
boards to
have

SECTION 1. The local boards of managers of the respective normal schools in this State shall have the custody, keeping and manage-

ment of the grounds and buildings provided or used for the purposes of such schools, respectively, and other property of the State pertaining thereto, with power to protect, preserve and improve the same.

custody of
grounds and build-
ings.

§ 2. Any willful trespass in or upon any of the buildings or grounds provided or used for the purposes of any of said normal schools or willful injury to any of said buildings or grounds, or any trees, fences, fixtures or other property thereon pertaining thereto, shall be a misdemeanor, punishable by fine and imprisonment, or either; and concurrently with the courts of record, justices of the peace, police justices and courts of special sessions, in the towns and cities where said schools are situated, shall have the same jurisdiction of said offenses as they have in other cases of misdemeanors within their jurisdiction.

Penalty
for tres-
pass.

§ 3. For the purpose of protecting and preserving such buildings, grounds and other property, and preventing injuries thereto, and preserving order, preventing disturbances, and preserving the peace in such buildings and upon such grounds, the local boards of managers of each of said normal schools shall have power, by resolution or otherwise, to appoint, from time to time, one or more special policemen, and the same to remove at pleasure, who shall be police officers, with the same powers as constables of the town or city where such school is located, whose duty it shall be to preserve order, and prevent disturbances and breaches of the peace in and about the buildings, and on and about the grounds used for said school, or pertaining thereto, and protect and preserve the same from injury, and to arrest any and all persons making any loud or unusual noise, causing any disturbance, committing any breach of the peace, or misdemeanor or any willful trespass upon such grounds, or in or upon said buildings, or any part thereof, and convey such person or persons so arrested, with a statement of the cause of the arrest, before a proper magistrate to be dealt with according to law.

Managers
may
appoint
special
policemen.

§ 4. This act shall take effect immediately.

CHAP. 349.

AN ACT relating to leases of railroads and railroad property within this State. Railroads.

PASSED May 21, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any railroad, or railroad route, not exceeding ten miles in length, and its franchises within this State, has been heretofore leased by one railroad company or corporation to any other railroad company or corporation with the assent of a majority in amount of the stockholders of the company owning such leased railroad or railroad route and franchises, it shall be immaterial whether the assent of said stockholders has been obtained at a stockholders' meeting, or has been individually given in writing; and the leases of all such railroads within this State, which have received such assent of a majority in amount of the individual stockholders of the company or corporation owning the leased road, are hereby declared to be as legal and valid as they would have been had such assent been given at a stockholders' meeting regularly called for that purpose. And any railroad company now engaged in operating any railroad so leased

Transfer
of rail-
roads not
exceeding
ten miles
in length.

may continue to use and operate the same during the term of the lease, upon complying with the terms, covenants and provisions of such lease; and to that end all such leases are hereby ratified and confirmed.

§ 2. This act shall take effect immediately.

See ch. 254, L. 1867, *ante*, vol. 7, p. 79; amended by ch. 503, L. 1879, *ante*, page 808.

CHAP. 353.

New York
City.
Steam-
boats and
vessels.

AN ACT in relation to runners or solicitors of passengers or patronage for steamers, steamboats, ships, vessels, hotels, railroads or transportation companies in the city of New York.

PASSED May 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Runners
or solicit-
ors de-
barred
from sell-
ing tickets
without
license.

SECTION 1. No person shall hereafter upon any street, public highway, dock or pier, or in any park or square, in the city of New York, or upon any water adjacent thereto, over which said city has jurisdiction, solicit patronage for any hotel or inn, or passengers or patronage for any steamer, steamboat, ship, vessel or railroad, or for any person or corporation selling or offering for sale passage tickets, or contracting or offering to contract for passage in any such steamer, steamboat, ship, vessel or railroad, without a license for that purpose first duly obtained in accordance with the provisions of this act.

Mayor
may issue
license for
one year,
and con-
tinue the
same from
year to
year.

§ 2. Such license may be issued by the mayor of the city of New York, and shall be for the period of one year from the date thereof, and every person receiving such a license shall pay the sum of twenty dollars therefor to the said mayor, and shall also give to the mayor of said city a bond with two good and sufficient sureties in the penalty of three hundred dollars, conditioned for his good behavior and the faithful observance by him of the provisions of this act. It shall be lawful for said mayor, upon an application made prior to the expiration of said license, to renew and continue the same from year to year, provided that the applicant therefor continue in all respects qualified, as hereinbefore provided, to hold such license, and said applicant shall, upon receiving such renewal, pay into the city treasury a further sum of twelve dollars and fifty cents per annum as a renewal fee.

Fee.

Revoca-
tion of
license.

§ 3. Licenses and renewals issued under the provisions of this act may be revoked at any time by the said mayor for any cause satisfactory to him, such cause to be stated in writing to the person so removed at the time of the notice of his removal. No person shall receive any license under the provisions of this act who is not a citizen of the United States, and a person of good general character; such fact to be proved to the satisfaction of the mayor.

Licensed
persons to
wear
badge.

§ 4. Every person licensed under the provision of this act, whenever employed in soliciting passengers or patronage for steamers, steamboats, ships, vessels or railroads, or patronage for hotels or inns, shall wear conspicuously upon his coat a metal badge containing the number of his license, said badge to be of such form and to bear such further inscription as shall be prescribed by the mayor of the city of New York. No person not duly licensed as aforesaid shall wear any such badge, or any badge purporting to be that of a licensed runner or solicitor, under a penalty of twenty-five dollars for each offense.

Penalty
for false
represent-
ation.

§ 5. Any person who shall carry on the business or engage in the occupation set forth in the first section of this act, without such license, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not less than three months, nor exceeding one year, and any person who, being duly licensed, shall fail to comply with the provisions of the fourth section of this act shall be liable to a fine of not less than twenty-five dollars for each offense and shall also forfeit his license.

§ 6. The mayor of the city of New York shall render to the comptroller of said city quarterly accounts of all moneys received by him under the provisions of this act, and the amounts so received shall be paid over by said mayor into the city treasury. Mayor to render statements to comptroller.

§ 7. This act shall take effect upon the first day of July, one thousand eight hundred and eighty-one.

CHAP. 354.

AN ACT to amend chapter two hundred and eighty of the Judiciary.
laws of eighteen hundred and forty-seven, entitled "An act in relation to the judiciary."

PASSED May 21, 1880; three-fifths being present.

The People of the State of New York represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-five of chapter two hundred and eighty of the laws of eighteen hundred and forty-seven, entitled "An act in relation to the judiciary," is hereby amended so as to read as follows: Amending ch. 280, Laws 1847.

§ 25. Justices of the peace and judges, and justices of inferior courts, not of record, and their clerks, may be removed, as provided by the constitution, by the supreme court at any general term thereof, and such general term shall have power to order the proofs upon any proceedings hereunder to be taken before a referee to be appointed by such general term, and to certify the reasonable expenses of such referee, which amount, so certified, and also the reasonable expenses of any reference as heretofore or hereafter taxed by any general term of said court, under proceedings heretofore taken under the act hereby amended, and remaining unpaid, is hereby declared to be a charge against the city, town or village within which such justices of the peace, judge, or justice of inferior court, not of record, or clerk, exercises the duties of his office. Such general term may also in its discretion require the person or persons instituting proceedings for the removal of either of the officials above named to give security, to be approved by such general term, for the expenses incident to the hearing and determination thereof, in case the charges against such official are not sustained. Justices of the peace and justices of inferior courts not of record, may be removed by supreme court.

§ 2. This act shall take effect immediately.

Ante, vol. 4, p. 588. § 25, was not repealed by ch. 245, L. 1880.

CHAP. 355.

Deaf and dumb

AN ACT relating to the Central New York Institution for Deaf Mutes, at Rome, New York.

PASSED May 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Superintendent of instruction to continue institution.

SECTION 1. It shall be lawful for the superintendent of public instruction to continue at the Central New York Institution for Deaf Mutes, at Rome, New York, for a period not exceeding three years, for the purpose of pursuing a course of studies in the higher branches of learning, such pupils, not exceeding twelve in number, as may have completed their full term of instruction and who may be recommended by the trustees of said institution.

§ 2. This act shall take effect immediately.

CHAP. 360.

New York City.

AN ACT to provide for the proper drainage of lands in the city of New York.

PASSED May 23, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Drainage of lands.

SECTION 1. Whenever, in the opinion of the board of health of the health department of the city of New York, the protection of the public health requires the drainage of any lands in said city, by means other than sewers, such board of health may adopt a resolution describing the location of such lands, and directing the proper drainage thereof, and the construction of drains therefor, by the commissioner or commissioners of the department of said city having jurisdiction to construct sewers in that part of said city where such drainage is so required. Such board of health shall thereupon cause a map to be made, whereon shall be shown the location of such proposed drains, and the lands required for the construction thereof. Such resolution shall be entered at length in the records of such board of health, and such map shall be filed in such health department. A copy thereof shall be filed in the office of the register of the city and county of New York. Such board of health shall cause another copy of said map, together with a copy of such resolutions, to be delivered to the commissioner or commissioners of the department in said city who shall, by such resolution, be required to construct such drains.

§ 2. It shall be the duty of such commissioner or commissioners, upon the receipt of such map and resolution, through the counsel to the corporation of said city, to take immediate and proper proceedings for the acquirement of a right of way over, under or through the lands shown upon said map to be necessary for such drains, and it shall be the duty of such counsel to the corporation immediately to take such proceedings, and conduct them to a speedy determination.

§ 3. The right of way over, under or through the lands so required for such drains shall be taken and acquired in the manner required by

law for acquiring title to lands in said city to be used as public streets. Provided, however, that the time or times provided in such law for the giving or publication of any notice shall, for the purposes of this act, be reduced one-half, and the time for the sitting of the commissioners of estimate and assessment to hear objections to their report is, for the purposes of this act, hereby made two days in the place of ten days. Any maps, plans or surveys that may be required for the use of the commissions of estimate and assessment, to be appointed in such proceeding, shall be furnished by the department charged with the construction of the drains, and shall be prepared and made by surveyors in the regular and stated employment of such department; neither the expense of such surveys nor any other expenses, other than the fees of the commissioners of estimate and assessment attending the proceeding, shall be included in the assessment that may be made by such commissioners of estimate and assessment. The counsel to the corporation shall not be entitled to any compensation for services to be rendered by him in such proceeding, other than his stated salary. The commissioners of estimate and assessment shall not be allowed any compensation for office rent, clerk or carriage-hire. They shall each be entitled to receive the following rates as compensation for their services in full. Where the drain to be constructed is five hundred feet or under in length, the sum of twenty-five dollars. Where the drain exceeds five hundred feet in length, twenty-five dollars, and in addition thereto, five cents per foot for each running foot of drain in excess of five hundred feet, but the compensation of each commissioner shall in no case exceed one hundred and fifty dollars.

§ 4. Upon the confirmation by the court of the report of the commissioners of estimate and assessment in such proceedings, it shall be the duty of the board of estimate and apportionment of the city of New York immediately to authorize and direct the comptroller of said city to issue bonds in behalf of the mayor, aldermen and commonalty of the city of New York, to the amount necessary to pay the damages awarded to owners of lands for the right of way required for such drains, and to pay for the preparation of plans and surveys provided for as aforesaid, and for the fees of the commissioners of estimate and assessment, and from the proceeds of said bonds the said comptroller shall pay the damages so awarded, in the same manner as in the case of street openings, and the fees of the commissioners of estimate and assessment, and shall also pay the expenses incurred for such plans and surveys as above provided.

§ 5. Upon the confirmation of the report of the commissioners of estimate and assessment by the court, the commissioner or commissioners of the department in said city having the charge of the construction of such drains as herein proposed shall have the power and they are hereby directed to make and adopt proper and suitable plans for such drains and to construct them. The necessary cost of such drains, together with necessary expenses of levying the assessment therefor, shall be levied, assessed and collected in the same manner as is authorized by law for the construction of sewers in said city.

§ 6. Chapter five hundred and sixty-six of the laws of eighteen hundred and seventy-one and chapter five hundred and forty-nine of the laws of eighteen hundred and seventy-five are hereby repealed, but such repeal shall not affect any action or proceeding now pending or cause of action existing by reason of any thing done under the laws so repealed.

§ 7. This act shall take effect immediately.

CHAP. 362.

Insurance companies AN ACT to provide for the formation of county co-operative insurance companies.

PASSED May 22, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Co-operative companies, how formed.

SECTION 1. It shall be lawful for any number of persons not less than twenty-five, residing in one or more adjoining counties in this State, who collectively own property of not less than fifty thousand dollars in value, which they desire to have insured, to form themselves into an incorporated company for the purpose of co-operative insurance against loss or damage by fire or lightning, by making, signing and acknowledging before some officer by law authorized to take acknowledgments of conveyances of real estate a certificate of their intention to form such corporation, stating the county or the counties in which such company intend to do business, its corporate name, which shall embrace the county in which the business office of said company is located. Every person insured in said company shall sign an application for insurance as required by the articles of association and by-laws of the company, and thereby become a member thereof.

Directors.

§ 2. Every company formed under the provisions of this act shall choose of their members not less than one director for every town within the territorial limits of said company, whose duty it shall be to manage the business of the said company, who shall hold their office one year, or until others are elected and qualified, and said directors shall choose from their number a president, a secretary, and such other officers as their by-laws shall prescribe; all officers to be elected by ballot. The business and corporate powers of the companies incorporated under this act shall be transacted and exercised by said board of directors, subject to the by-laws of the company. The by-laws shall prescribe the number of directors necessary to constitute a quorum for the transaction of business, and may provide for an executive committee for such purposes as may be necessary, and may require officers to give such bonds as the interest of the company may require.

Directors to prepare statement.

§ 3. It shall be the duty of the first directors of any company organized under this act, before doing any business of insurance, to prepare a statement showing the name of the company, the names of the persons comprising the proposed company, with the amount of proposed insurance to each, the name of the company, a copy of the articles and by-laws of the company, and the names of the county or counties comprising the territorial limits within which it is proposed to do business, the names of the directors and officers, with their post-office address, the place where the principal office for the transaction of business shall be located, and the mode and manner in which the business of said company is to be conducted and file a copy thereof, signed by said officers and directors, in the office of the clerk of each county comprised within the territorial limits of said company and in the office of the secretary of State.

Propositions and agreements.

§ 4. The persons so associating, after having filed the statement as required by section three, may open books to receive propositions, and enter into agreements in a manner authorized by this act. But no company organized under this act shall do any business or issue any

policies until bona fide agreements have been entered into covering property to be insured to the amount of not less than one hundred thousand dollars for each county embraced within the territorial limits of said company, and within which it is proposed to do business.

Books and records.

§ 5. The directors of every company formed under this act shall procure proper books, in which the secretary shall keep a perfect record of all the transactions of the company, and of the board of directors, and shall show at all times, fully and truly, the condition, affairs and business of said company, and shall be kept open for the inspection of every member of said company, every day from nine o'clock to eleven o'clock in the forenoon, Sunday and legal holidays excepted.

§ 6. The directors of any company formed under this act may issue policies of insurance, signed by the president and secretary, agreeing in the name of said company, to pay all damages, not exceeding the amount insured, done to dwelling-houses, barns and their contents, and other buildings not more hazardous, and buildings in incorporated cities or villages detached at such distance as the by-laws of the company may prescribe, and their contents, and live stock owned on the premises, caused by fire or lightning, during the time mentioned in the policy of the insured; said company shall not issue policies for less than one year or more than five years; and they shall not insure more than seven thousand dollars in any one risk. The company may issue more than one policy to one person, firm or corporation having separate or detached buildings, that this act or the by-laws of said company do not prohibit the said company from insuring. Every policy issued shall have attached thereto a printed copy of the by-laws and regulations of the company.

Policies.

§ 7. Every person, firm, corporation or trustee, so insured, shall give his, her or their undertaking, binding him, her, it or them, their heirs or assigns, to pay their pro rata share to the company of all losses or damages caused by fire or lightning, which may be sustained by any member or members thereof. He, she, it or they shall also pay such percentage in lawful money and such reasonable sum for policies and expenses, and within such time as may be required by the by-laws of said company.

Insured party to give undertaking.

§ 8. Every person, firm or corporation holding a policy, not expired or vitiated, who has sustained a loss or damage by fire or lightning, shall immediately notify the president or secretary of his, her, it or their loss or damage, and it shall be the duty of the officers of the company to at once proceed to ascertain and adjust such loss or damage in the manner provided by the charter and by-laws of said company and the provisions of this act.

Notification of loss.

§ 9. The companies formed under the provisions of this act may classify the property or buildings insured therein, at the time of insuring, and issuing policies under different rates, according to the risk from fire which may be attached to buildings insured. Whenever the amount of any loss or damage is ascertained which exceeds in amount the cash on hand of the company, such officer as shall be determined in the by-laws of the company shall convene the directors or executive committee, who shall make an assessment upon all the property insured, pro rata, sufficient to pay what the cash in hand falls short of paying, or for the whole loss or damage, as the directors or executive committee may decide best for the interest of the company.

Classification.

Assessments to supply deficiency.

§ 10. It shall be the duty of the secretary, within ten days, to notify every person who belongs to the company, by written or printed notice, signed by the secretary, that an assessment has been made, and the

Secretary to give notice of assessment.

amount due from him to them as their share of the loss or damage as determined by said directors or executive committee, and the time when and to whom such amount must be paid; but no such time shall be less than thirty or more than sixty days from the date of such notice; the cost and expense of collection to be regulated by the by-laws of the company; such notice may be served personally or by mail; and if by mail, it shall be deposited in the post-office at the place where its principal office is located, directed to each person assessed at his, her or their place of residence or business, and the postage prepaid.

President
may bring
suit to
recover
assessment.

§ 11. Suits at law may be brought against any member or members of any company organized under the provisions of this act, by the president, in the name of the company, in any of the courts of this State having competent jurisdiction, to recover all assessments that any member neglects or refuses to pay when made upon him or them under the provisions of this act or the by-laws of the company; and in case the president is obliged to bring suit to collect any assessment as aforesaid, he shall be permitted to recover the amount so assessed, with fifty per centum of such assessment to be added thereto, in addition to lawful interest, as a penalty for such neglect and refusal to pay within the time required. Any member or members of said company who neglects or refuses to pay his or their part of any assessment, or for any other reason satisfactory to the directors or executive committee, may be excluded, by a majority of the directors of the company, from the company, and when thus excluded the secretary shall cancel or withdraw his or their policy or policies, which shall prevent him or them recovering for any loss or damage after such exclusion by the directors; but nothing therein contained shall prevent the collection of such assessment and the penalty aforesaid, in any suit at law which may have been made prior to such exclusion. It shall be the duty of the officers of any company formed under this act, to proceed to collect all assessments within thirty days after the expiration of the notice to pay the same, and any neglect or refusal on their part to endeavor to collect as aforesaid, or to perform any of the duties imposed by this act, shall render them liable in their individual capacity for the amount lost to the person or persons who lose by their refusal or neglect, and suit at law may be maintained by such party against such officers to collect such amount.

Assessment,
when payable.

What
property
may be
insured.

§ 12. No company organized pursuant to the provisions of this act shall insure any building or property out of the limits of the territory comprised in the articles of association adopted in the formation of the company, except when a person or member of the company, who has a farm extended beyond the line of the said limits on which he resides, has buildings on that part beyond, in which case such buildings and their contents may be insured, together with his other buildings; nor shall any company insure any property other than dwelling-houses, barns and their contents, other buildings not more hazardous, buildings in incorporated villages or cities detached such distance from any other building, as the by-laws of the company may prescribe from any other building, and their contents, and live stock owned upon such property.

Election of
directors.

§ 13. The directors of any company organized under the provisions of this act shall be chosen by ballot at the annual meeting of the company, which shall be held on the second Tuesday of January in each year, unless some other day be designated by the by-laws of any such company. At such meeting every person, firm or corporation

insured shall have one vote, and shall be entitled to vote by proxy at such elections, under such rules and regulations as may be prescribed by the by-laws, unless prohibited by the by-laws of the company.

§ 14. It shall be the duty of the president and secretary of each and every company formed under the provisions of this act to make a statement under oath, showing the condition of such company on the thirty-first day of December preceding the election of officers, which shall contain the amount and kind of property insured, the number of policies issued each year from the time of the organization of such company up to the time of making such statement, and the names of the persons to whom issued during the year last past, and the amount of such policy; the names of persons withdrawn or excluded from the company, with the amount of insurance of each; the whole amount of moneys received by such company during the year, together with an itemized account of the same, including salaries of officers, all fees, commissions, and all sums paid for any purpose, and all other matters of interest to the company or members thereof, which statement or certified copy thereof shall be filed in the clerk's office of each county comprised within the territorial limits of such company and with the secretary of State.

Annual statement.

§ 15. Any member of such company may withdraw therefrom at any time, by a ten days' notice in writing to the secretary, and paying his share of all claims existing against the company and surrendering his policy or policies. Members may be admitted who reside or own property within the territorial limits of the company, upon the same terms and conditions as the original members, subject to the by-laws of the company organized by virtue of this act. Non-residents who own property that may be insured in any such company may become members, and enjoy all the rights and privileges of such company, and shall be accountable the same as other members, but shall not be eligible to hold office in said company.

Withdrawal of member.

Admittance of member.

§ 16. No company formed under this act shall insure against losses or damage otherwise than by fire or lightning, nor issue life insurance policies, or policies on any other risk not mentioned in this act, or transact any other business than as provided by this act.

§ 17. Any company formed under this act may make and enforce such by-laws for its regulation as two-thirds of all the directors of such company may adopt, and any amendments of such by-laws may be adopted by being presented to the president at least three months previous to any regular meeting of such directors; but said proposed amendments shall be voted for at a regular meeting only, and two-thirds of the votes of all the directors shall be required to adopt them. No by-laws shall be of any effect which are inconsistent with this act or the laws of the State. The by-laws may provide for compensation of the officers of the company, and the number and kind, and the security proper to be given by any officer, and may designate the amount of money that may be kept on hand, the manner of disbursing the same, and make provision for books for records of the transactions of the company.

By-Laws.

§ 18. Any company already doing a business of insurance upon the principles prescribed by this act may become organized and possess all the powers and be subject to the restrictions and regulations required by this act, upon filing a statement of their condition at the time, containing the requirements of section three, in the offices required by said section. The said companies shall thereafter be subject to the provisions of this act, and the policies theretofore issued

Present companies may organize.

by them shall be as valid and the rights and powers of the officers and members of said companies shall be the same in all respects as if they had been originally organized under this act.

Territory. § 19. Nothing herein contained shall authorize any company formed under the provisions of this act to transact business in not to exceed two counties which shall be designated in the certificate required by section one, except as hereinbefore specially authorized.

§ 20. This act shall take effect immediately.

CHAP. 365.

Supervisors.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

PASSED May 24, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

**Amending
ch. 488,
Laws 1875.**

SECTION 1. Subdivision nine of section one of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," is hereby amended so as to read as follows:

9. To authorize in any county containing an incorporated city of one hundred thousand inhabitants or upward, when any territory adjoining such city has been mapped out in pursuance of law, into streets and avenues conforming to and forming an extension of the system of streets and avenues of such city, the laying out, closing and change of line of any such street or avenue, the establishing of a grade for the same, the opening, grading and construction of such streets or avenues, and to provide for the estimation and award of damages sustained, and for the assessment on property intended to be benefited thereby, and fixing assessment district therefor, the levying, collection and payment of the amount of such damages, and of all other charges and expenses to be incurred or which may be necessary in carrying out the provisions of this subdivision; but such last-named powers in regard to laying out, opening, grading, construction and change of line of such streets or avenues, or such provisions for defraying the expense thereof, shall only be exercised on the petition of the property owners who own more than one-half of the frontage on any such street or avenue; provided that no such street or avenue shall be laid out, opened or constructed upon or across any lands heretofore acquired by the right of eminent domain, and held in fee for depot purposes by any railroad corporation, without the consent of such corporation.

§ 2. The town of Flatbush, Kings county, and the city and county of New York are hereby excepted from the operation of this act.

§ 3. This act shall take effect immediately.

CHAP. 366.

AN ACT to secure uniform ballots and preserve the purity of ^{Elections.} elections.

PASSED May 24, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. At all elections hereafter held within the limits of this State for the purpose of enabling electors to choose by ballot any officer or officers under the laws of this State, or of the United States, or to pass upon any amendment, law or public act or proposition submitted to the electors to vote by ballot under any law, each and all ballots used at any such election shall be upon plain white printing paper, and without any impression, device, mark or other peculiarity whatsoever upon or about them to distinguish one ballot from another in appearance, except the names of the several candidates, and they shall be printed with plain black ink. ^{Ballots must be on plain paper and uniform.}

§ 2. Every ballot shall have a caption (as provided by law), but such caption shall be printed in one straight line in black ink, with plain type of the size now generally known and designated as "Great Primer Roman Condensed Capitals," and the names of all candidates shall be printed in plain type, with letters of a uniform size. ^{Caption.}

§ 3. It shall be unlawful for any person to print or distribute, or to cast any ballot printed or partly printed contrary to the provisions of this act, or to mark the ballot of any voter, or to deliver to any voter such marked ballot for the purpose of ascertaining how he shall vote at any election. ^{Unlawful to distribute other ballots.}

§ 4. Any person or persons who shall knowingly or willfully violate, or attempt to violate, any of the provisions of this act shall be guilty of a misdemeanor, and be punished by imprisonment in a county jail or penitentiary for not exceeding one year, or by a fine of not exceeding two hundred and fifty dollars, or by both such fine and imprisonment. ^{Penalty.}

§ 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, provided that nothing in this act contained shall be construed to prohibit any elector from voting any ballot entirely written or from voting any printed ballot, which in outward appearance complies with all the requirements of this act upon the face of which he has personally made or caused to be made erasure, correction or insertion of any name by pencil mark or otherwise.

§ 6. This act shall take effect immediately.

See ch. 56, *ante*, and ch. 553, *post*.

CHAP. 369.

AN ACT to amend section two hundred and thirty-six of the ^{Code of Civil Procedure.} Code of Civil Procedure.

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two hundred and thirty-six of the Code of Civil ^{Amending § 236.} Procedure is hereby amended so as to read as follows:

Additional
judges,
superior
court of
New York.

§ 236. The governor may, when, in his opinion, the public interest so requires, designate one or more judges of the superior court of the city of New York, or of the court of common pleas for the city and county of New York, to hold terms of the circuit court and special terms of the supreme court, in that city. The designation must be in writing, and must specify each term, and the judge designated to hold the same. A case or exceptions, in a cause tried at such a term, must be settled before the judge who held the same; and a judge thus designated may, after the expiration of the period of such designation, decide, finally determine and dispose of any action, proceeding or motion that may have been tried or heard before him; and such judge, during the period of such designation, possesses, within the city of New York, all the powers of a justice of the supreme court, in or out of court, to make orders in any action or special proceeding in the supreme court.

§ 2. This act shall take effect immediately.

CHAP. 370.

Trespass-
ing on
railroads.

AN ACT to prevent trespassing and intrusion upon railroad cars and engines.

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Violation
of act a
misdeme-
anor.

SECTION 1. No minor or other person, not a passenger, shall climb, jump, step, stand upon, cling to, or in any way attach himself to, any locomotive, engine or car, upon any part of the track of any railroad in this State, unless in so doing such person shall be acting in compliance with law, or by permission under the lawful rules and regulations of the corporation or proper officer managing such railroad.

§ 2. No person in the employment of any said corporation or officer, or intrusted with the care or possession of any such engine, or any freight or baggage car upon any said track, shall invite, or solicit any such minor or other person to come, or be, or consent to his remaining upon any last-named car or upon any engine, unless said minor or last-named person shall have the right by law or permission as aforesaid to go or remain upon such car or engine.

§ 3. And any person who shall violate either section of this act shall be guilty of a misdemeanor, and be liable to a fine not less than five nor exceeding twenty-five dollars, which may be imposed by any court or magistrate having jurisdiction of any misdemeanor; and the person so offending shall be further liable to imprisonment until such fine and costs of prosecution shall be paid.

§ 4. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 5. This act shall take effect immediately.

See L. 1878, ch. 261, *ante*, p. 577.

CHAP. 386.

AN ACT to amend title one, chapter seventeen, part one of the Revised Statutes, entitled "of sales by auctioneers." Auctioneers.

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The third section of title one of chapter seventeen, part one of the Revised Statutes, entitled "of sales by auctioneers," is hereby amended so as to read as follows: Amending
ch. 17,
part 1,
Rev. Stat.

§ 3. All articles, except those mentioned in the fourth and fifth sections of this title, which shall be sold on commission by an auctioneer, by a copartner or clerk of an auctioneer, or by a person in any way connected in the auction business or in auction sales with an auctioneer, whether at auction or private sale, shall be liable to the duties before enumerated. But nothing in this section or title contained was intended or shall be taken or construed to intend any sale or sales of any articles, goods, wares or merchandise, consigned, sent or delivered to any person, firm or copartnership where such goods shall have been or may be consigned, sent or delivered to any such person, firm or copartnership, with orders or directions in good faith to be sold at private sale, and not at auction, and where such goods shall not have been or be sold at auction.

§ 2. This act shall take effect immediately.

Ante, vol. 1, p. 490.

CHAP. 392.

AN ACT relative to janitors in district courts in the city of New York City.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The justice of each district court in the city of New York is hereby authorized and empowered to appoint a janitor for such court, who shall hold office during the pleasure of and be subject to the direction of the justice of the court for which he is so appointed. The board of estimate and apportionment of said city is hereby authorized and directed to make provision for the compensation of said janitors, who shall be paid a yearly salary of nine hundred dollars. Nothing in this act contained shall in any manner annul, restrict or affect the powers heretofore granted the department of public works of said city, or the commissioner thereof, concerning the control or care of public buildings, except that said department or commissioner shall not have power or authority to appoint janitors for buildings or parts of buildings leased by said city in which district courts are held. Justices
of each
district
court may
appoint a
janitor.

Salary.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 393.

International ex-
hibitions.

AN ACT for the regulation of international exhibitions held under the supervision and auspices of the government of the United States, within the State of New York, and preventing seizure of articles and goods deposited on exhibition thereat.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Prevent-
ing seizure
of articles
and goods
deposited.

SECTION 1. No process of attachment, execution, sequestration, replevin, distress or any kind of seizure shall be served or levied upon articles, goods, wares, merchandise or property of any description while the same is en route to or from, or while on exhibition or deposited by exhibitors at any international exhibition held under the auspices or supervision of the United States, within any city or county of this State, nor shall such property be subject to attachment, seizure, levy or sale, for any cause whatever, in the hands of the authorities of such exhibition or otherwise.

CHAP. 395.

Steamers
engaged
in towing.

AN ACT to prevent interference with owners and captains of steamers engaged in the towing business.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Persons
employing
steamers
to receive
no com-
pensation.

SECTION 1. From and after the passage of this act, it shall be unlawful for any person or persons employing steam vessels for towing, to receive any commission or compensation for any orders given to the owners, captains or agents of such steam vessel for such towage. And it shall be unlawful for any person or persons to interfere with or hinder any owner, captain or agent of any steam vessel engaged in towing, while in the prosecution of their business. But the provisions of this section shall not apply to the towing of canal boats, and nothing herein contained shall repeal or in any manner alter or affect any existing law or regulation in regard to pilotage or quarantine in the port of New York.

Unlawful
to inter-
fere with.

Penalties.

§ 2. Any violation of the preceding section by any person or persons shall be punishable by a fine of not less than fifty dollars for the first and second offense, and upon any conviction thereafter, for each and every offense to a penalty of not less than one hundred dollars and imprisonment for three months.

§ 3. Any violation of section one, by any captain, owner or agent of steamers, shall be punishable by a fine not less than fifty dollars for the first and second offense; upon any conviction thereafter, for each and every offense, to a penalty of not less than one hundred dollars and imprisonment for three months.

Lake
Cham-
plain
exempt.

§ 4. Nothing in this act contained shall affect or apply to the waters of Lake Champlain.

§ 5. This act shall take effect immediately.

CHAP. 397.

AN ACT to amend chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the formation of county and town co-operative insurance companies."

Co-operative insurance companies.

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the formation of county and town co-operative insurance companies," is hereby amended so as to read as follows:

Taxpayers may form companies

§ 1. It shall be lawful for any number of persons not less than twenty-five, residing in one or more adjoining towns, or in any county, or in any two adjoining counties in the State, who collectively own property of not less than fifty thousand dollars in value, which they desire to have insured, to form themselves into an incorporated company, for the purpose of co-operative insurance against loss or damage by fire or lightning, by making, signing and acknowledging, before some officer by law authorized to take acknowledgments of conveyances of real estate, a certificate of their intention to form such corporation, stating the town or towns, or the county or counties in which such company intends to do business, its corporate name, which shall embrace the county or counties in cases when the association includes one or more counties, and the name of the town in cases of towns in which the business office of said company is located. Every person insured in said company shall sign an application for insurance as required by the articles of association and by-laws of the company, and thereby become a member thereof.

How formed.

Application for insurance.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. Every company formed according to the provisions of this act shall choose of their members not less than five nor more than nine directors in the case of town insurance companies or associations nor (one director for every town) less than five directors nor more than one director for every town in case of county insurance companies or associations within the territorial limits of said company or association, whose duty it shall be to manage the business of the company or association who shall hold their office one year or until others are elected and qualified; and said directors shall choose from the members of said company or association a president and a secretary and such other officers as their by-laws shall prescribe. All officers shall be elected by ballot. The business and corporate powers of the companies or associations incorporated under this act shall be exercised by said board of directors, subject to the by-laws of the company or association. The by-laws shall prescribe the number of said directors necessary to constitute a quorum for the transaction of business, and may provide for an executive committee for such purposes as may be necessary, and may require officers to give such bonds as the interests of the company may require.

Directors.

§ 3. Section six of said act is hereby amended so as to read as follows:

Policies,
how
issued.

§ 6. The directors of any company formed under this act may issue policies of insurance signed by their president and secretary, agreeing, in the name of said company, to pay all damages, not exceeding the amount insured, done to farm buildings detached at least one hundred feet from other buildings more hazardous, and at least sixty feet from other individual risks, and their contents and live stock owned on the premises, caused by fire or lightning during the time mentioned in the policy of the insured loser; said directors shall not issue policies for less than one year nor for more than five years, and they shall not insure more than three thousand dollars in any one risk in town associations, and five thousand dollars in any one risk in county associations. The directors may issue more than one policy to one person, firm or corporation having separate or detached buildings, detached at least one hundred feet from other buildings more hazardous, and at least sixty feet from other individual risks, and not otherwise prohibited by the by-laws of the company. Said policy so issued shall have attached thereto a printed copy of the by-laws and regulations of the company.

§ 4. Section twelve of said act is hereby amended so as to read as follows:

No prop-
erty to be
insured
out of
limits
except
where a
farm
extends
into other
territory.

§ 12. No company organized pursuant to the provisions of this act shall insure any buildings or property out of the limits of the territory comprised in the articles of association adopted in the formation of the company, except where a person or member of the company, who has a farm extended beyond the line of the said limits in which he resides, has buildings on that part beyond, in which case such buildings and their contents may be insured together with his other buildings; nor shall any company insure any property other than detached dwellings and their contents, stacks of farm produce, live stock owned upon such property, and farm buildings and their contents detached at least one hundred feet from other buildings more hazardous, and at least sixty feet from other individual risks.

§ 5. Section thirteen of said act is hereby amended so as to read as follows:

Elections.

§ 13. The directors of any company or association organized under the provisions of this act shall be chosen by ballot at the annual meeting of the company, which shall be held on the second Tuesday of January, unless some other day be designated by the by-laws of any such company or association. At such meeting every person insured shall have one vote, and shall be entitled to vote by proxy at such elections, unless prohibited by the by-laws of the company or association.

§ 6. Section eighteen of said act is hereby amended so as to read as follows:

How
present
companies
may come
under pro-
visions of
this act.

§ 18. Any company or association already doing a business of insurance upon the principles prescribed by this act may become organized and possess all the power, and be subject to the restrictions and regulations required by this act, upon filing a statement of their condition at the time, containing the requirements of section three, in the office required by said section. The said companies or associations shall thereafter be subject to the provisions of this act, and the policies theretofore issued by them shall be as valid, and the rights and powers of the officers and members of such companies or associations shall be the same in all respects as if they had been originally organized under this act.

§ 7. This act shall take effect immediately.

Ante, p. 752.

CHAP. 398.

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and eighty, entitled "An act to repeal chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled 'An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York,' and to re-enact chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five.

New York
City courts
of record.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and six of the laws of eighteen hundred and eighty, entitled "An act to repeal chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled 'An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York,' is hereby amended so as to read as follows:

Amending
ch. 106,
Laws 1880.

§ 1. Chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York,'" is hereby repealed, and chapter five hundred and fifteen* of the laws of eighteen hundred and seventy-five, entitled "An act in relation to courts of record in the city and county of New York," is hereby re-enacted as follows: "All orders of arrest, warrants of attachment, executions and proceedings to recover personal property in civil actions, except when the sheriff is a necessary party thereto, made or issuing out of any court of record in the city and county of New York, whether by statute or otherwise, shall be issued to the sheriff only.

Order of
arrest,
warrant,
attach-
ments,
executions
and pro-
ceedings
to recover
personal
property
in civil
actions to
be issued
to sheriff
only.

§ 2. This act shall take effect immediately.

Ante, p. 915.

CHAP. 399.

AN ACT to further amend chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, entitled "An act for the regulation of tenement and lodging-houses in the cities of New York and Brooklyn," as amended by chapter five hundred and four of the laws of eighteen hundred and seventy-nine.

New York
City ten-
ant and
lodging
houses.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, entitled "An act for the regulation of tenement and lodging-houses in the cities of New York and Brooklyn," as amended by chapter five hundred and four

Amending
ch. 506,
Laws 1867.

* So in the original. The intention was to re-enact ch. 625, L. 1875.

of the laws of eighteen hundred and seventy-nine, is hereby amended so as to read as follows:

Unlawful
to erect
tenant
houses
without
space
between
them and
adjoining
buildings.

§ 13. It shall not be lawful hereafter to erect for, to convert to, the purposes of a tenement or lodging-house, a building on any lot where there is another building on the same lot, unless there is a clear open space exclusively belonging thereto, and extending upward from the ground of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall not be less than twenty feet; and if they are more than three stories high, the distance between them shall not be less than twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging-house on any lot, there shall be a clear open space of not less than ten feet between it and the rear line of the lot. But when thorough ventilation of such open space can be otherwise secured, such distances may be lessened or modified in special cases, or the open spaces may be dispensed with on corner lots by a permit from the board of health. No one continuous building shall be built or converted to the purposes of a tenement or lodging-house in the city of New York, upon an ordinary city lot, to occupy more than sixty-five per centum of the said lot, and in the same proportion if the lot be greater or less in size than twenty-five feet by one hundred feet; but this provision shall not apply to corner lots, and may be modified in other special cases by a permit from the board of health.

Ventila-
tion.

Dimen-
sions.

§ 2. Section five of said chapter five hundred and four of the laws of eighteen hundred and seventy-nine is hereby amended so as to read as follows:

Board of
health
may make
requisi-
tion on
board of
police to
furnish
officers to
enforce
law.

§ 5. The board of police of the city of New York, upon the requisition of the board of health of the city of New York, shall detail to the service of the said board of health, for the purpose of the enforcement of the provisions of this act and of chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, in the said city, not exceeding thirty suitable officers, and men of experience of at least five years' service in the police force; provided that the board of health shall pay monthly to the board of police a sum equal to the pay of all officers and men so detailed. These officers and men shall belong to the sanitary company of police, and shall report to the president of the board of health. The board of health may report back to the board of police, for punishment, any member of said company guilty of any breach of orders or discipline, or of neglecting his duty, and thereupon the board of police may detail another officer or man in his place, and the discipline of the said members of the sanitary company shall be in the jurisdiction of the board of police; but at any time the board of health may object to the efficiency of any member of said sanitary company, and thereupon another officer or man may be detailed in his place. The board of police shall have the power, and it shall be their duty, to fill all vacancies in the police force of the city caused by the detailing of said officers and men, upon the requisition of the board of health, and to make new appointments to said force equal in number to the officers and men now, or who may hereafter be detailed to the service of the board of health under and by virtue of the provisions of this act.

§ 3. All acts or parts of acts and all laws, regulations or ordinances inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

Ante, p. 809.

CHAP. 415.

AN ACT in relation to street railroads.

Street
railroads.

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any street railroad now in operation in this State, which shall, by a two-thirds vote of its directors, decide to extend the route of such road so as to cross the Hudson river over and by any bridge now or hereafter constructed under the provisions of any law of this State, may so extend their route over and across such bridge upon such terms as may be mutually agreed upon between such railroad and bridge company, and may locate the terminus of their road in the county adjoining the one in which their road is now located and in operation, provided they shall first obtain the consent of such bridge company or its lessees, and shall obtain the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the general term of the supreme court, in the district in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

May
extend
route over
bridges
crossing
rivers.Terminus
in other
counties.
When
property
owners
withhold
consent,
supreme
court may
appoint
commis-
sioners.

§ 2. This act shall not affect any street railroad now or hereafter constructed in either the counties of New York or Kings.

§ 3. This act shall take effect immediately.

CHAP. 416.

AN ACT to amend title three, chapter three, part four of the Revised Statutes, entitled "General provisions applicable to all the prisons treated of in this chapter."

Prisons.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and ninety-seven of title three, chapter three, part four of the Revised Statutes, entitled "General provisions applicable to all the prisons treated of in this chapter," is hereby amended so as to read as follows:

Amending
ch. 3, part
4, Revised
Statutes.

§ 197. Whenever any convict confined in any county or State prison shall be considered an important witness in behalf of the people in this State upon any criminal prosecution against any other convict, or against any person indicted for a felony, by the district attorney prosecuting the same, it shall be the duty of any justice of the supreme court, in his discretion, upon the affidavit of such district attorney, to grant a habeas corpus for the purpose of bringing such person before the proper court to testify on such prosecution.

Convicts
may be
brought
before
court on
writ of
habeas
corpus to
testify

§ 2. Section one hundred and ninety-eight of said title is hereby amended so as to read as follows:

§ 198. Such convict may be examined on such trial and shall be considered a competent witness against any fellow-prisoner (or person indicted for a felony) for any offense actually committed whilst in prison, and whilst the witness so offered shall have been confined in the prison in which such offense shall have been committed, or for any offense committed prior to the confinement of such witness.

Convict a
competent
witness in
trial of any
offense
committed
whilst in
prison.

§ 3. This act shall take effect immediately.

There are no "sections 197 and 198" in the portion of the R. S. referred to. The sections intended to be amended are evidently sections 150 and 151 of the chapter and title mentioned. *Ante*, vol. 2, p. 819.

CHAP. 417.

Railroads. AN ACT to amend chapter six hundred and six of the laws of eighteen hundred and seventy-five, entitled "An act further to provide for the construction and operation of a steam railway or railways in the counties of the State."

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 606,
Laws 1875.

SECTION 1. Section four of chapter six hundred and six of the laws of eighteen hundred and seventy-five, entitled "An act further to provide for the construction and operation of a steam railway or railways in the counties of the State," is hereby amended so as to read as follows :

Commis-
sioners to
determine
upon
necessity
of railroad

§ 4. Said commissioners shall, within thirty days after such organization, determine upon the necessity of such steam railway or railways, and if they find such railway or railways to be necessary in such county, they shall, within sixty days after such organization, fix and determine the route or routes for such steam railway or railways, and the said commissioners shall have the exclusive power to locate the route or routes of such railway or railways, over, under, through or across the streets, avenues, places or lands in such county, "except Broadway and Fifth avenue, below Fifty-ninth street, and Fourth avenue above Forty-second street, in the city of New York, and except over, under, through or across those portions of Grand, Classon and Franklin avenues, in the city of Brooklyn, lying between the southerly line of Lexington avenue and the northerly line of Atlantic avenue, and over, under, through or across that portion of Classon avenue, in said city, lying between the northerly line of Lexington avenue and the southerly line of Park avenue;" and except such portions of streets and avenues as are already legally authorized for or occupied by an elevated or underground railway, and except such as are contained in public parks or occupied by buildings belonging to such county, or to this State, or to the United States, and except that portion of the city of Buffalo lying between Michigan and Main streets; and to provide for the connection or junction with any other railway or bridge, provided that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railway or railways, be first obtained, or in case the consent of such property owners cannot be obtained, that the determination of three commissioners appointed by the general term of the supreme court in the district of the proposed construction given after a due hearing of all parties interested, and confirmed by the court, that such railway or railways ought to be constructed or operated, be taken in lieu of the consent of such property owners.

§ 2. This act shall take effect immediately.

Ante, p. 210.

CHAP. 422.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages;" also chapter eight hundred and seventy of the laws of eighteen hundred and seventy-one, entitled "An act to amend an act for the incorporation of villages."

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of title three of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

Amending
ch. 201,
Laws 1870.

§ 4. The trustees shall have power to compel the owners and occupants of land or lots in front of and adjoining which a sidewalk is to be made or repaired, to make such improvements upon the sidewalk in front of said land or lot, to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality or kind of such materials; and in case the owner or owners, occupant or occupants of any such land or lot shall neglect or refuse to complete the said required improvement within such reasonable time as shall be required by the trustees, the said trustees may cause such improvement to be made or completed, and the expense thereof may be by them assessed on such owner or owners so neglecting or refusing, and be collected by warrant issued by the president and trustees, as other taxes are directed to be collected by this act; and in case such tax or assessment shall not be paid or collected, the trustees may cause such real estate to be leased, or the owner thereof to be sued for payment and collection of such tax, and the costs and expenses arising from non-payment, in the manner and with the effect and subject to the provisions of this act in regard to the collection of taxes and assessments, by leasing of real estate or by action at law against the person liable. But nothing in this section shall be so construed as to prevent the trustees from making expenditures of money raised under section six of title four of this act, in and toward the construction, alteration or repair of sidewalks in such village, whenever and wherever they may deem the same more for the benefit of all the inhabitants of such village than for such adjoining owners or occupants; provided, that such last-mentioned expenditures for sidewalks shall not exceed in any one year the sum of five hundred dollars, unless the tax payers of such village, at a meeting specially called for that purpose, upon ten days' notice, at which at least thirty tax payers shall be present, shall authorize, by resolution, a larger expenditure. The resolution adopted at such meeting, duly authenticated, shall be placed with the records of such village, entered on the minutes of the trustees.

Improvement of
sidewalk

§ 2. Section six of title four of the said act, as amended by chapter eight hundred and seventy of the laws of eighteen hundred and seventy-one, is hereby further amended so as to read as follows:

Highway
tax for
improve-
ment of
roads, etc.

§ 6. In addition to the amount raised by the trustees for "ordinary expenditures," the trustees shall have power, in any one year, in addition to the poll-tax, to raise by tax such sum as they may deem necessary, not exceeding in any one year the amount of one per centum on the assessed valuation of such village, to be denominated a highway tax, to work and improve the roads, avenues, streets, public squares and parks, lanes, sidewalks and crosswalks of said village, on all persons and incorporated companies, owning property and estate, real and personal, in said village, to be assessed and collected as all other taxes are, by the provisions of this act. The money so raised, with the proceeds of the poll-tax, shall be devoted to the purposes expressed in this section, and kept apart as a separate and distinct fund by the treasurer.

§ 3. This act shall take effect immediately.

Ante, vol. 7, pp. 690-698.

CHAP. 423.

AN ACT to amend chapter five, title two, part two of the Revised Statutes of the State of New York.

PASSED May 26, 1890.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 5, tit. 2,
part 2,
Rev. Stat.
Lunatics,
contracts
of.

SECTION 1. Section twenty-three of chapter five, title two, part two of the Revised Statutes, is hereby amended so as to read as follows:

§ 23. The supreme court shall have authority to decree and compel the specific performance of any bargain, contract or agreement which may have been made by any lunatic or other person specified in the first section of this title, while such lunatic or other person was capable to contract; and of any contract in relation to lands made by the ancestor of such person from whom such person inherits or takes as devisee or otherwise; and to direct the committee of such person to do and execute all necessary conveyances and acts for that purpose; and in case the person entitled to such conveyance is the committee of such person specified in section one of this title, the said court may, upon the petition of said committee, appoint some suitable and proper person to execute the said conveyance in the name of such lunatic or other person specified in section one of this title, upon payment by the vendee of any sum remaining due to such person upon said contract, or upon the fulfillment of the contract on the part of the party who contracted with the person represented by said committee.

§ 2. This act shall take effect immediately.

This act was evidently intended to amend *section 22* instead of *section 23*. It is probably repealed by ch. 245, *ante*, (sections 2 and 4) which repealed the portion of the R. S. referred to. See Co. Civ. Proc., §§ 2345-6.

CHAP. 427.

AN ACT to amend chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies." Insurance companies, life and health.

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty-one of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies," is hereby amended so as to read as follows : Amending ch. 463, Laws 1853.

§ 21. Any existing company incorporated by or authorized under the laws of this State, for the purposes mentioned in this act, may avail themselves of the provisions of this act, after publishing their intentions for six weeks in the State paper, and obtaining the consent of the majority of the trustees or directors, and complying with the third section of this act, in relation to the filing and contents of the declaration therein referred to. And any existing company incorporated by or authorized under the laws of this State, or any company formed under this law, to transact the business embraced in the second department of section one of the act hereby amended, may at any time increase the amount of its capital stock, upon the same proceedings being had as are required by a fire insurance company, as provided in chapter four hundred and sixty-six of the laws of eighteen hundred and fifty-three, with the amendments thereto. Increase of capital

§ 2. This act shall take effect immediately.

Ante, vol. 4, pp. 216-226.

CHAP. 428.

AN ACT further to regulate the admission to this State of fire and marine insurance companies from other countries than the United States. Insurance companies.

PASSED May 27, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Fire or marine insurance companies from other countries than the United States, hereafter applying for admission to this State, may be admitted to transact business in this State on presenting to the superintendent of the insurance department legal and satisfactory evidence of the possession by them of a capital, of which there is paid up in cash, and invested in securities of the same general character as those which companies of this State are permitted to hold, not less than five hundred thousand dollars or one hundred thousand pounds sterling, and upon depositing with the superintendent of the insurance Foreign fire and marine companies, how may be admitted to transact business in this State.

Agreement not to apply for removal of causes into U. S. court.

department such securities as foreign insurance companies are now required by law to deposit, and in such amount as is required by existing laws; provided that before any such company shall be admitted to transact business in this State, it shall execute under its corporate seal, and the hand of its president by authority of its board of directors, and file with said superintendent an agreement that it will not apply to remove into the United States court any action brought against it in any court of this State, and that if it shall make any such application, its authority to transact the business of insurance in this State shall cease and determine, and whenever it shall appear to the superintendent of the insurance department that any such company has made such application to remove such an action contrary to such agreement, he shall revoke the certificate of such company to do business in this State, and notify the agents thereof, and the agents of such company after such notice shall discontinue the issuing of any new policy.

Filing of agreement.

Penalty for violation.

§ 2. The superintendent shall require any such company doing business, which companies organized under the laws of this State are prohibited from transacting, to file in his office an agreement under the corporate seal of such company that it will not (while authorized to do business in this State) transact in this State such business.

§ 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. Any company or corporation of this State violating any of the provisions of this act shall be subject to a fine of five hundred dollars for each and every offense, to be sued for and recovered in the name of the people of the State by the attorney-general, and such penalty when recovered shall be paid into the treasury of the State. Any company, partnership, association or corporation of any other State or country violating, or allowing any of its agents to violate any of the provisions of this act, shall be prohibited from transacting further business in this State, and the certificate of authority issued to the agents of such company, partnership, association or corporation shall be revoked forthwith by the superintendent of the insurance department.

In what courts suits may be brought.

§ 4. Suits or actions may be brought against companies from other countries in any district court in the city of New York, or before any justice of the peace or any other court where such suits or actions can be brought against companies organized under the laws of this State.

§ 5. This act shall take effect immediately.

CHAP. 429.

Penal and reformatory institutions.

AN ACT to regulate the use of intoxicating liquors in poor-houses, juvenile reformatories, protectories, houses of refuge, jails, penitentiaries and prisons.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York represented in Senate and Assembly, do enact as follows:

Unlawful to introduce intoxicating

SECTION 1. It shall be unlawful to introduce into any poor-house, juvenile reformatory, protectory, house of refuge, jail, penitentiary or prison, or to bring upon the premises thereof, any wine, alcoholic,

malt or intoxicating liquors, except upon the written requisition of the medical officer of such institution, or for any trustee, manager, officer, agent, employee, or other person connected with any such institution, or the inmates thereof, to use, to offer to others, or to allow to be used within any such institution, or upon the premises thereof, any wine, alcoholic, malt or intoxicating liquors, except by the direction and prescription of the medical officer of such institution, who shall, in every case of such prescription, make a record of the name of the person and the cause for which such prescription is given, in a book kept publicly for such purpose, which record shall be verified by the affidavit of such medical officer, at least once in every six months.

liquors
except for
medical
purposes.

§ 2. Any person violating this act, upon conviction thereof shall be deemed guilty of a misdemeanor.

Penalty.

§ 3. This act shall take effect immediately.

CHAP. 433.

AN ACT in relation to arrears of personal taxes in the city of New York.

New York
City, tax-
ation.

PASSED May 27, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. At any time within six months after the passage of this act any person or corporation may pay to the comptroller of the city of New York the amount of any tax or balance of tax upon personal property belonging to such person or corporation, heretofore laid or imposed and now remaining wholly or partly unpaid, together with interest at seven per centum per annum, to be calculated from the time that such tax was imposed to the time of such payment and the comptroller shall make and deliver to the person so making such payment a receipt therefor, and shall forthwith cancel the record of any such tax. Upon such payment such tax shall cease to be a lien upon the property and shall be deemed fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax.

Arrears of
personal
taxes, how
may be
paid.

CHAP. 434.

AN ACT to authorize cities and incorporated villages to charge license fees to persons doing business on the canals of this State.

Cities and
villages,
license
fees.

PASSED May 27, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall hereafter be lawful for the common council of any city and the trustees of any incorporated village in this State,

Lawful to
collect
license

from re-
tail deal-
ers, excep-
tions.

Common
council or
trustees to
fix amount
of fees.

Ord-
nances.

to charge and collect a license fee from all persons doing a retail business in the sale of goods of any description, except products of the farm and unmanufactured products of the forest, from canal boats in the canals of this State, or from the lands by the side of said canals, and within the boundary lines thereof, within the limits of such cities or villages. The common council of such cities and the trustees of such villages shall have power to fix the amount to be charged for such licenses at such sum as in their discretion they may deem just. They shall also have power to enforce the collection of such license fees in the same manner as they are now severally authorized by law to enforce the collection of other license fees which they are authorized to impose. They shall also have power to adopt laws or ordinances to prevent any person making any such sale without first obtaining such license, and to punish any violation thereof by a fine not exceeding one hundred dollars, the offender to be imprisoned in the county jail until such fine be paid, not exceeding six months.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. Nothing in this act contained shall be held or construed to conflict in any manner with the provisions of title four of chapter seventeen of part one of the Revised Statutes.

§ 4. This act shall take effect immediately.

See ch. 302, *ante*.

CHAP. 435.

Embezzle-
ment and
wrongful
acts of
public
officers.

AN ACT to amend chapter five hundred and twenty-six of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-two, entitled 'An act for the protection of tax payers against the frauds, embezzlements and wrongful acts of public officers and agents.'"

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 526,
Laws 1879.
Ante, p. 816.

SECTION 1. Section one of chapter five hundred and twenty-six of the laws of one thousand eight hundred and seventy-nine, entitled "An act to amend chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-two, entitled 'An act for the protection of tax payers against the frauds, embezzlements and wrongful acts of public officers and agents,'" is hereby amended so as to read as follows:

Action by
tax payers
may be
maintain-
ed against
public
officers
to prevent
waste of
funds or
damage to
property.
69 N. Y. 129;
64 *id.* 404.

§ 1. All officers, agents, commissioners and other persons acting for and on behalf of any county, town or municipal corporation in this State, and each and every one of them may be prosecuted, and an action or actions may be maintained against them to prevent waste or injury to any property, funds or estate of such county, town or municipal corporation by any person or by any number of persons jointly, who shall be singly or together assessed for the amount of one thousand dollars in said town, and liable to pay taxes upon such assessment therein, or who have either separately or together paid taxes therein upon an assessment of that amount within one year previous to the commencement of any such action or actions. Provided

that such person or persons, upon or prior to the commencement of such action, shall give to such county, town or municipal corporation a bond to be approved by one of the justices of the supreme court, or the county judge of the county, in such penalty as the justice or judge approving the same shall direct, but not less than two hundred and fifty dollars, and executed by two or more sufficient sureties to be approved by said justice or judge, and conditioned to save said county, town or municipal corporation harmless from all costs, charges and expenses by reason of such action. Such bond shall be filed in the office of the county clerk of the county in which the action is brought, and a copy served with the summons in such action. This act shall not be so construed as to take away any right of action from any county, town or municipal corporation, or from any public officer.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. In case the waste or injury complained of consists in any officer or agent of any county, town or municipal corporation, by collusion or otherwise auditing, allowing or paying, or conniving at the audit, allowance or payment of any fraudulent, illegal, unjust or inequitable claims, demands or expenses against or by such county, town or municipal corporation, or by permitting a judgment or judgments to be recovered against such county, town or municipal corporation, or against himself in his official capacity, either by default or without the interposition and proper presentation of any existing legal or equitable defenses, the court may in its discretion prohibit the payment or collection of any such claims, demands, expenses or judgments, in whole or in part, or may enforce the restitution thereof if paid or collected, by the person or party receiving the same, or may adjudge and declare the colluding official personally responsible therefor, and out of his property the collection or repayment thereof so as to indemnify and save harmless the said county, town or municipal corporation from a part or the whole thereof, and in case of a judgment the court may in their discretion vacate, set aside and open said judgment with leave and direction for the defendant therein to interpose and enforce any existing legal or equitable defense therein, under the direction of such person as the court may, in their judgment or order, designate and appoint.

Auditing
of
fraudulent
claims.

§ 3. This act shall take effect immediately.

Ch. 161, L. 1872, *ante*, vol. 9, p. 339, was repealed by ch. 245, L. 1880, *ante*. See Co. Civ. Proc., § 1925.

CHAP. 437.

AN ACT to amend section sixteen of article third, chapter six, part first of the Revised Statutes. Elections.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixteen of article third, chapter six, part first of the Revised Statutes is hereby amended so as to read as follows:

Amending
art. 3,
part 1,
Rev. Stat.

§ 16. In every succeeding year the same officers shall meet at the town clerk's office, on the first Monday of October, at ten o'clock in the forenoon, and form a board. They shall determine whether any alteration in the existing election districts be necessary or expedient,

and shall have power to make the same, subject to the same restrictions and limitations contained in the last preceding section; and shall, in like manner, make a certificate of such alterations, exhibiting the districts as altered, and their numbers respectively; which certificate shall be filed in the town clerk's office. Such alteration shall not take effect until after the then next general election, except in case of the alteration, erection or division of a town, or except such alteration of districts shall not affect any inhabited territory in a town, in which cases it shall take effect immediately.

Ante, vol. 1, p. 122.

CHAP. 439.

Dairymen. **AN ACT** to amend chapter four hundred and fifteen of the laws of eighteen hundred and seventy-seven, entitled "An act for the protection of dairymen, and to prevent deception in sales of butter."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch 415,
Laws 1877.

SECTION 1. Section one of chapter four hundred and fifteen of the laws of eighteen hundred and seventy-seven, entitled "An act for the protection of dairymen, and to prevent deception in sales of butter," is hereby amended so as to read as follows:

Manufacturer
of oleo-
margarine
must
brand box
or package
with name,
and in
case of
export,
invoice as.

§ 1. Every person who shall manufacture for sale, or who shall offer or expose for sale, or shall export to a foreign country by the tub, firkin, box or package, or any greater quantity, any article or substance in semblance of butter not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals not produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon the top and also upon the side of every such tub, firkin, box or package of such article or substance the word "oleomargarine" only where it can be plainly seen, in Roman letters which shall be burned on or painted thereon with permanent black paint, in a straight line, and shall be not less than one-half inch in length; and if for export shall also invoice the same and clear the same through the custom house as oleomargarine; and in case of retail sales of such articles or substance, in parcels, the seller shall in all cases sell or offer or expose the same for sale from a tub, firkin, box or package stamped, branded or marked as herein stated, and shall also deliver therewith to the purchaser a printed label bearing the plainly printed word "oleomargarine," only in Roman letters not less than one-half inch in length which shall be printed in a straight line; and every sale of such article or substance or export of the same by the tub, firkin, box or package, or in any greater quantity, not so stamped, branded or marked, and if exported, not invoiced and cleared through the custom house as oleomargarine, and every sale of such article or substance at retail in parcels that shall not be sold from a tub, firkin, box or package, so stamped, branded or marked or without delivery of a label therewith as above stated, is declared to be unlawful and void, and no action upon any contract shall be maintained in any of the courts of this State to recover upon any contract

Action
cannot be
brought
on any
contract
when
provisions
of act are
not com-
plied with.

for the sale of any such article or substance not so stamped, branded, marked, labeled or sold.

§ 2. Section two of said chapter is hereby amended so as to read as follows:

§ 2. Every person who shall sell or offer or expose for sale, or export to a foreign country, or have in his or her possession with intent to sell, by the tub, firkin, box, package or in any greater quantity, any of the said article or substance required by the first section of this act, to be stamped, branded, marked, and if exported, invoiced and cleared through the custom house as oleomargarine, as therein stated, that shall not be so stamped, branded, marked, and if exported, invoiced according to the provisions of this act, or in case of retail sales in parcels, every person who shall sell or offer or expose for sale any of said article or substance without selling, offering or exposing for sale the same, from a tub, firkin, box or package stamped, branded or marked as in said first section stated, or without delivery of a label as required by section one of this act, shall for every such offense forfeit and pay a fine of one hundred dollars, to be recovered, with costs, in any of the courts of this State having cognizance thereof in an action to be prosecuted by any district attorney in the name of the people, and the one-half of such recovery shall be paid to the informer, and the residue shall be applied to the support of the poor in the county where such recovery is had.

Penalty
for
violation
of act in
offering
for sale.

§ 3. Section three of said chapter is hereby amended so as to read as follows:

§ 3. Every person who shall sell or offer or expose for sale, or export to a foreign country, or who shall cause or procure to be sold, offered or exposed for sale by the tub, firkin, box or package or in any greater quantity, any article or substance required by the first section of this act to be stamped, branded, marked, and if exported, invoiced and cleared as therein stated, not so stamped, branded, marked, and if exported, invoiced and cleared; or in case of retail sales in parcels, every person who shall sell or offer or expose for sale, or who shall cause or procure to be sold, offered or exposed for sale, any article or substance required by the first section of this act to be sold, offered or exposed for such sale from a tub, firkin, box or package stamped, branded or marked, and labeled as therein stated, contrary to the provisions of said section, shall be guilty of a misdemeanor; and upon conviction shall be punished by a fine of not less than twenty-five dollars or more one hundred dollars or by imprisonment in the county jail for not less than five or more than thirty days, or by both such fine and imprisonment for each and every offense.

Penalty
for viola-
tion of act
in export-
ing.

§ 4. This act shall take effect immediately.

Ante, p. 433.

CHAP. 440.

AN ACT to provide for the protection of mechanics and others.

Mechan-
ics.

PASSED May 27, 1890; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who shall hereafter perform any labor in or about the sinking, drilling or completing of any oil well, or any well sunk or drilled for oil, or gas, or other volatile or mineral substances,

Oil wells,
persons
perform-
ing labor
to have
lien on.

within the State of New York, or in sinking or drilling any water well, sunk or drilled for the purpose of drilling or operating any such oil well or other well as aforesaid, or who shall erect, build, or furnish any tank or other receptacle for oil, gas or water which shall be built, erected or furnished for any of the purposes aforesaid, or who shall perform any labor, or furnish any materials in or for the building or erecting of such tank or other such receptacle as aforesaid, or who shall furnish any materials for any of the purposes aforesaid, including tubing, casing, sucker-rods, packers or other appurtenances or appliances to any such well as aforesaid, with the consent of the owner, being such owner as in this section hereinafter described, shall, on filing with the county clerk of the county in which the property is situated, the notice prescribed by the next section of this act, have a lien for the value of such labor and materials upon such tank or other receptacle as aforesaid, and upon such well as aforesaid, and appurtenances, and upon the lot, premises, parcel or farm of land upon which the same shall be situated, to the extent of the right, title and interest of the owner of the property, whether owner in fee or of a less estate, or whether lessee for a term of years thereafter, or vendee in possession under a contract existing at the time of the filing of said notice, or any right, title or interest in real estate against which an execution at law may now be issued under the provisions of the statutes in force in this State, relating to liens of judgment and the enforcement thereof.

Filing of
notice.

§ 2. Within sixty days after the performance and completion of such labor or the final furnishing of such materials, the contractor, sub-contractor, laborer or person furnishing the same, shall file a notice in writing in the office of the clerk of the county where the property is located, specifying the amount of the claim and the person against whom the claim is made, the name of the owner or of the party in interest as aforesaid of the premises, lot, parcel or farm of land, together with a description of said lot, parcel or farm of land. The county clerk shall enter the particulars of such notice in a book to be kept in his office to be called the "lien docket," which shall be suitably ruled in columns headed "claimants," "against whom claimed," owners and parties in interest, "amount claimed," and the date of the filing of the notice, hour and minute, what proceedings have been had, the names of the owners and parties in interest and the person against whom the claim is made shall be entered in said book in alphabetical order. A fee of ten cents shall be paid to said clerk on filing said notice, and no lien shall attach to said land, well, tank or other receptacle or appurtenances or appliances, unless said notice shall be filed by said clerk, and when so filed said notice shall thereafter operate as an incumbrance upon said property.

County
clerk to
make
entry.

Labor
performed
materials
furnished
on credit
of con-
tractor.

§ 3. Whenever the labor performed or materials furnished shall be upon the credit of any contractor who shall have made a contract therefor with the owner of the property, or such party in interest as aforesaid, whether such contract shall be oral or in writing, or express or implied, or for any specified sum or otherwise, or on the credit of any sub-contractor or the assignee of any contractor or sub-contractor, the provisions of this act shall not oblige the owner or party in interest as aforesaid, to pay for or on account of any such labor or materials, any greater sum or amount than the price stipulated and agreed to be paid therefor by said contract, or the value of such labor and materials except as in the next section provided.

§ 4. At the time of the filing of said notice prescribed by the second

section of this act, the person filing said notice may serve upon the said owner, or party in interest as aforesaid, a written notice specifying the amount of the claim, the name of the person against whom the claim is made, and for what labor or materials the claim is made, which said notice shall be served, by delivering the same to such owner or party in interest as aforesaid personally, or if there shall be two or more of such owners or parties in interest, to either or any one of them, or by leaving the same at the place of residence of such owner or party in interest, or if there be two or more, of either or any one of them, or in case said owner or party in interest shall have no place of residence within the county where such property as aforesaid shall be situated, then by mailing said notice to said owner or party in interest, securely inclosed in a sealed envelope directed to said owner or party in interest at his post-office address, with the postage prepaid thereon, and from the time of the service of such notice as aforesaid, such owner or party in interest shall be liable to said claimant to the amount then due or owing to the contractor, sub-contractor or assignee of such contractor, sub-contractor, upon whose credit such labor shall be performed or materials furnished as hereinbefore provided. And in any case whether the notice above prescribed shall or shall not be served as above provided upon such owner or party in interest as aforesaid, if such owner or party in interest as aforesaid shall pay, or cause to be paid, to any contractor, sub-contractor or assignee, or any other person, any money or other valuable thing for the purpose of avoiding or with intent to avoid any of the provisions of this act, when the amount still due or to grow due to said contractor, sub-contractor or assignee shall be insufficient to satisfy the demands made in conformity with the provisions of this act, the owner or other party in interest as aforesaid shall be liable to the amount that would have been due or owing to said contractor, sub-contractor or assignee, at the time of the filing of the notice in the second section of this act, in the same manner as if no such payment had been made.

Service of
notice of
claim.

Non-ser-
vice of
notice.

Payments
to avoid
provisions
of act.

§ 5. Any contractor, sub-contractor, mechanic, laborer, or other person performing any work or furnishing any materials as above provided, or the assignee of any such person or persons, may, after such labor has been performed or materials furnished, and the filing of the notice provided by the second section of this act, when the amount of the claim exceeds fifty dollars, bring an action in the supreme court in the county in which the property is situated, or in the county court of said county, to enforce such lien, which action shall be commenced, and the proceedings therein conducted, and judgment entered in the same manner and to the same effect as in actions brought in said courts to enforce liens, provided by chapter four hundred and two of the laws of eighteen hundred and fifty-four, and the several acts amending the same, and the said courts shall have full power to adjust and enforce all the rights and equities between any or all of the parties to such actions, and enforce or protect the same by any of the remedies usual in said courts.

Action to
enforce
lien.

§ 6. When the amount of the lien claimed is two hundred dollars or under, the claimant may commence his action in a justice's court of the town or city in which the premises are located, which action shall be commenced, and the proceedings therein conducted and the judgment entered, and transcript filed in the same manner and with the effect as in actions commenced in justices' courts to enforce liens pursuant to said chapter four hundred and two of the laws of eighteen hundred and fifty-four, and the several acts amending the same.

4 Edm. 67a

costs and
disburse-
ments.

§ 7. Costs and disbursements, in actions to enforce liens provided for by this act, shall be allowed to either party upon the principles and by the same rules as are now allowed by law in actions for relief arising on contract, and shall be included in the judgment recovered therein, and the expenses incurred in serving the notice by which such actions shall be commenced by publication may be allowed in justices' courts and added to the amount of costs now allowed in said courts. When the action is brought in the supreme court or in a county court, such direction shall be made in the discretion of the court as to the payment of costs as shall be just and equitable, and the judgment entered shall specify to whom and by whom the costs are to be paid.

Filing of
transcript
of judg-
ment.
Lien
against
real
property.

§ 8. A transcript of every judgment rendered under this act shall be furnished by the clerk of the county where rendered and docketed to the successful party, who may file the same with the county clerk of any other county, and the same shall thereafter be a lien on the real property in the county, where the same is filed and docketed, of every person against whom the same is rendered, if for twenty-five dollars or upwards, exclusive of costs, in like manner and to the same extent and enforceable by execution in the same manner, as in other actions for the recovery of money arising on contract.

Execution.

9. Whenever any judgment shall be entered in any such action as aforesaid, execution shall thereupon issue for the enforcement and collection of such judgment in the same manner as executions are issued upon other judgments in actions on contract for the payment of money only, except that when the judgment is in favor of the claimant the execution shall direct the officer to sell the right, title and interest which the owner or other party in interest had in the premises at the time of filing the notice prescribed by the second section of this act, and if the same shall be insufficient to satisfy said judgment, then to collect such deficiency as shall remain out of the personal property of such owner or party in interest, or if there be two or more of either of them, or if sufficient personal property cannot be found, then out of the real property of such owner or party in interest, or if there be two or more, of either of them, in the county to which said execution is issued, on the day such judgment was docketed in said county, or on any day thereafter. But no such deficiency shall be collected out of any real property, unless such deficiency* shall amount to or exceed the sum of twenty-five dollars.

Continu-
ance of
lien.

§ 10. Every lien created under the provisions of this act shall continue until the expiration of six months from the time of filing the notice prescribed in the second section of this act, unless sooner discharged by the court or some legal act of the claimant in the proceedings; but if within such period of six months proceedings are commenced to enforce or foreclose such lien, then such lien shall continue until judgment shall be rendered thereon, and for one year thereafter such lien shall also continue during the pendency of an appeal and for one year after the determination thereof. When a judgment is rendered as aforesaid it may be docketed in any county of this State and enforced as if obtained in an action in a court of record.

Appeals.

§ 11. Appeals from judgment rendered pursuant to this act may be taken by either party in the same manner, within the same time, and subject to the same rules and course of procedure as in appeals taken in civil actions arising on contract, and with like costs and disbursements, and the judgment thereon shall be enforced as judgments on appeal are now enforced and collected. Such appeal shall be had and taken only in the proceeding or action wherein judgment shall be

* So in original.

given or rendered, but such appeal shall not operate as a stay of proceedings or in any manner to affect the foreclosure or action of any other claimant or claimants then pending.

§ 12. The liens created by virtue of the provisions of this act shall be paid and settled according to priority of notice filed with the county clerk as directed by the second section of this act. Priority.

§ 13. All liens created by this act may be discharged as follows: How discharged.
First, by filing with the county clerk a certificate of the claimant or his successor in interest, acknowledged or proved in the same manner as a conveyance of real estate, stating that the lien has been paid or discharged; second, by depositing with the justice before whom, or the clerk of the court in which proceedings shall be commenced to enforce or foreclose said lien, a sum of money equal to double the amount claimed, which amount shall thereupon be held subject to the determination of such proceedings; or, third, by an entry of the county clerk made in the book of liens that the proceedings on the part of the claimant have been dismissed by the court or a judgment rendered against the said claimant.

CHAP. 448.

AN ACT in relation to uncollected taxes in the several towns and wards in this State. Taxation.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. When the tax imposed by a board of supervisors, upon any resident tax payer in the several counties, shall be returned by the collector of any town or ward as unpaid, for want of goods and chattels to satisfy the same, the treasurer of the county in which such taxes are so returned shall add interest to the same at the rate of eight per centum per annum, until the same is returned by said treasurer to the comptroller, which sum so added shall be a lien upon the property assessed, in the same manner and to the same extent as the tax levied by the said board of supervisors. This act shall not apply to any county having a special provision of statute on this subject. Return of tax for want of goods and chattels to satisfy.

§ 2. This act shall take effect immediately.

CHAP. 449.

AN ACT to amend section twenty-seven, article two, title two, chapter one, part four of the Revised Statutes of the State of New York.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-seven, article two, title two, chapter one, part four of the Revised Statutes of the State of New York is hereby amended so as to read as follows: Amending part 4, ch. 1, Rev. Stat.

§ 27. Every person who, from premeditated design, or with intent to kill or commit any felony, shall,

1. Cut out or disable the tongue; or,
 2. Put out an eye; or,
 3. Slit or destroy the lip, or slit or destroy the nose; or,
 4. Cut off or disable any limb or member, of another, on purpose,
- upon conviction thereof, shall be imprisoned in a State prison for such term as the court shall prescribe, not less than seven years.

Ante, vol. 2, pp. 683-4.

CHAP. 452.

Insurance AN ACT to authorize joint-stock fire insurance companies to issue policies providing against loss or damage by lightning.

PASSED May 27, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All joint-stock fire insurance companies organized under the provisions of the general insurance acts known as chapter three hundred and eight of the laws of eighteen hundred and forty-nine, and chapter four hundred and sixty-six of the laws of eighteen hundred and fifty-three, and the acts amendatory thereof and supplemental thereto, are hereby authorized to issue policies providing against loss or damage by lightning.

§ 2. This act shall take effect immediately.

CHAP. 455.

Public instruction. AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending ch. 555. Laws 1864. SECTION 1. Section seventy-seven of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows:

§ 77. Out of any moneys in the county treasury raised for contingent expenses the treasurer shall pay to the trustees the amount of the taxes so returned as unpaid, and if there are no moneys in the treasury applicable to such purpose, the board of supervisors, at the time of levying said unpaid taxes, as provided in the next section, shall pay to the trustees of the school district the amount thereof by voucher or draft on the county treasurer in the same manner as other county charges are paid.

Ante, vol. 6, p. 348.

CHAP. 460.

AN ACT to extend the authority of the supreme court in proceedings by writ of mandamus, to correct errors in the determination of boards of county canvassers. Supreme court.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever it shall appear by affidavit that errors have occurred in the determination of the board of county canvassers in any county in this State, the supreme court may, by order, require said board to correct such errors, or show cause why such correction should not be made, and in the event of the failure of said board to make such correction, or show cause as aforesaid, the said court may compel said board by writ of mandamus to correct such errors; and if such board of county canvassers shall have made its determination and dissolved, such court may compel it to reconvene for the purpose of making such corrections. For the purpose of making such corrections as the court shall order, the meeting of the board of county canvassers shall be deemed a continuation of its regular session, and the statement and certificates shall be made and filed as the court shall direct; and so far as the same shall vary from the original certificates and statements, the statements and certificates made under the order of the court shall stand in lieu thereof, and shall in all places be treated with the same effect as if such corrected statement had been a part of the original required by law. Extending authority of in proceedings by writ of mandamus.

§ 2. The practice in such proceedings in mandamus shall be the same as in cases of mandamus against a board of supervisors, and for the purpose of service of papers and other proceedings, the board of county canvassers, as organized and existing at the time of making the original canvass, shall be deemed a continuing board. Practice.

NOTE.—Ch. 463 (amending ch. 604, L. 1875,) will be found incorporated into that act. *Ante*, p. 206.

CHAP. 465.

New York
City
elections.

AN ACT to amend chapter five hundred and seventy of the laws of eighteen hundred and seventy-two, entitled "An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York.'"

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
ch. 570,
Laws 1872.

SECTION 1. Section one of chapter five hundred and seventy of the laws of eighteen hundred and seventy-two, entitled "An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York,'"

is hereby amended so as to read as follows :

Inspectors
to form
board of
registry.

§ 1. The several inspectors who now are or who may be hereafter elected or appointed inspectors of election, for the several election districts in the towns and cities of this State, except in the city and county of New York and in the city of Brooklyn, for the year eighteen hundred and seventy-two, are hereby declared to be a board of registry of elections under this act; and for the purposes herein named, the said inspectors, and their successors in office, shall meet annually, on Tuesday, five weeks previous to the general election, at nine o'clock, in the forenoon, at the place designated for holding the poll of said election, and organize themselves as a board for the purpose of registering the names of the legal voters of such district, and shall sit until nine o'clock in the evening of each day; and for this purpose they shall appoint one of their number chairman of the board, who shall administer to the other inspectors the oath of office, as prescribed by the constitution, and the same oath shall then be administered to the chairman by one of the other inspectors. The said board shall then proceed to make a list of all persons qualified and entitled to vote at the ensuing election, in the election districts of which they are inspectors. Said list, when completed, shall constitute and be known as the register of electors of said district. The said inspectors, at their first meeting on Tuesday, five weeks preceding the general election, shall have power, if necessary, to sit two days for the purpose of making said list, provided that, at the annual election next prior to said meeting, the number of votes in the district of which they are inspectors exceeded four hundred.

§ 2. Section three of said act is hereby amended so as to read as follows :

Meeting to
correct
lists.

§ 3. The said boards of inspectors shall meet on the Tuesday of the week preceding the day of the general election, at the places designated

for holding the polls of election, for the purpose of revising and correcting said lists; and for this purpose, in cities, they shall meet at eight o'clock in the morning, and remain in session until nine o'clock in the evening of that day and the day following, and in other districts they shall meet at nine o'clock in the morning, and remain in session until nine of that day. And they shall then revise, correct, add to and subtract from, and complete the said lists, and shall on that day add to the said list the name of any person who would, on the first Tuesday succeeding the first Monday of November, be entitled, under the provisions of the constitution and laws of this State, to exercise the right of suffrage in their respective election districts. But in making such addition on that day, or on any prior day, they shall not place on the said list the name of any person, except in strict compliance with the provisions of section two and section four hereof, and the other provisions of this act.

§ 3. In case of any willful neglect, omission or refusal by said board to do any of the acts required by this act, the supreme court of this State shall have power to compel said board to meet on any day between the day herein fixed for the first meeting of said board and the day of election and to perform the act or acts so omitted, neglected or refused, but no member of said board shall receive any compensation for attendance at any meeting under the provisions of this section.

Supreme court may compel board to meet and perform duties, in case of neglect of board.

§ 4. This act shall take effect immediately.

Ante, vol. 9, p. 400.

CHAP. 472.

AN ACT in relation to the partition of lands held by husband and wife as joint tenants, tenants in common, or as tenants by entireties.

Husband and wife.

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever husband and wife shall hold any lands or tenements as tenants in common, joint tenants, or as tenants by entireties, they may make partition or division of the same between themselves, and such partition or division duly executed under their hands and seals, shall be valid and effectual; and when so expressed in the instrument of partition or division, such instrument shall bar the right of dower of the wife in and to the lands and tenements partitioned or divided to the husband.

§ 2. This act shall take effect immediately.

CHAP. 474.

International
exhibition.

AN ACT enabling any corporation created by act of congress of the United States, to acquire, hold, use and improve real estate for the purposes of an international exhibition.

PASSED May 28, 1890.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corporation
created by
congress,
may acquire,
hold and
improve
real estate.

SECTION 1. It shall be lawful for any corporation created by act of congress of the United States, with power to hold an international exhibition in the State of New York under the supervision and auspices of the national government, by its president, commissioners or their agents, engineers, superintendents or others in their employ, to enter upon all lands or waters within the corporate limits of the city of New York, for the purpose of surveying, exploring, sounding, leveling and laying out the grounds necessary to be used for the holding of the international exhibition provided for by the act of congress aforesaid, and to make such dykes, dams, ditches and drains as may be necessary and of locating the same, and to do and erect all necessary work, structures, buildings and appendages thereon, doing no unnecessary injury to private or other property, and when the grounds, dykes, dams, ditches and drains and the location of other necessary works and structures shall have been determined upon, and a survey of the same duly made and filed by any such corporation, in the office of the clerk of the city and county of New York, it shall then be lawful for any such corporation by any of its officers, agents, engineers, superintendents, contractors, workmen and other persons, in their employ, to enter upon, take possession of, hold, have, and use, occupy, excavate, fill in and grade such lands so surveyed and located; upon any arrangement or agreement entered into by any such corporation and the owners of the said lands, either by purchase, lease or otherwise.

Lands,
how
acquired,
in case of
non-agreement
with
owner.

§ 2. That if any such corporation, or its officers or agents, cannot agree with the owner or owners of such required lands or real estate for the use or purchase thereof, or, if by reason of the legal incapacity, or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of any such corporation shall be given in writing, under the oath or affirmation of some engineer or proper agent of such corporation, and also the name or names of the occupant or occupants if known and their residence, if the same can be ascertained, to any justice of the supreme court, who shall cause such corporation to give notice thereof to the person or persons interested if known, and in this State, and if unknown and out of the State, to make publication thereof, as he shall direct, for a term of not more than twenty nor less than ten days, and to assign a particular time and place for the appointment of commissioners, at which time, upon satisfactory evidence to him of the service or publication of such notice, aforesaid, he shall appoint three disinterested persons to act as such commissioner to assess the price or value of said lands or the use thereof, who shall be affirmed or sworn before the said justice faithfully to execute the duties of such appointment, and after like notice to both parties of time and place, shall meet, review the premises and hear the parties and evidence if desired and thereupon make such decision and award together with a

description of the said lands and the quantity, by whom owned and how situated and bounded, in writing, under their hands and seals, or the hands and seals of any two of them, to the justice by whom they were appointed, to be by him returned and filed in the office of the said clerk of the city and county of New York, together with all the papers before him relating thereto to be kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the supreme court, at a special term thereof, by proceeding in the form of a petition to said court, with five days' notice in writing to the opposite party, of such appeal, which proceeding shall vest in the said supreme court full right and power to hear and adjudge the same, and upon payment or tender of the sum so found by the commissioners, such corporation shall be deemed to be seized and possessed of all such lands and real estate, appraised as aforesaid, such seizure and possession not to prejudice the right of either party to further appeal, if they or either of them feel aggrieved. But no appeal as herein provided or allowed shall prevent such corporation from taking, using and occupying the said land or lands upon the filing of the aforesaid report, the value and damages being first paid, or upon the refusal to receive the same upon a tender thereof, of the owner or owners thereof being under legal disability, the same being first paid into the United States Trust Company; provided, that nothing in this act shall be so construed as to authorize the said United States international commission to enter upon and use any of the public parks of the city of New York for the purposes of said exhibition, except that by permission of the park commissioners of the said city, the said United States international commission may erect a permanent building or buildings in such public park or parks as may be designated and under such restrictions as may be imposed by said park commissioners.

Public
parks
exempted.

§ 3. That the said lands so taken, used, occupied, leased or purchased by any such corporation shall be exempt from taxation so long as used or occupied by any such corporation for the purposes of said exhibition not exceeding the term of five years.

Lands
exempt
from tax-
ation.

§ 4. That the said United States international commission be and is hereby authorized and empowered to enter upon, close and use for the purposes of said exhibition, any streets, roads and avenues in the city of New York running through or by, or contiguous to the grounds which may be selected for the purposes of said exhibition. And it is hereby declared that such streets, roads and avenues as may be thus entered upon are closed from the time of entering upon them until the first day of January, eighteen hundred and eighty-five, unless sooner given up by said United States international commission; and the said United States international commission shall not be liable for any damage by reason of the closing of such streets, roads or avenues, and when such streets, roads or avenues are no longer needed for the purposes of said exhibition, they shall be restored as nearly as possible to the condition in which they were when entered upon.

Streets
may be
closed for
purposes
of ex-
hibition.

CHAP. 480.

County courts.

AN ACT to amend chapter four hundred and sixty-seven of the laws of eighteen hundred and seventy, entitled "An act in relation to the county courts."

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 467,
Laws 1870.

SECTION 1. Section one of chapter four hundred and sixty-seven of the laws of eighteen hundred and seventy, entitled "An act in relation to the county courts," is hereby amended so as to read as follows:

Courts to
have juris-
diction in
actions
not to
exceed
\$5,000.

§ 1. The county courts, in addition to the powers they now possess, shall have jurisdiction in civil actions where the relief demanded is the recovery of a sum of money not exceeding three thousand dollars, or the recovery of personal property not exceeding in value three thousand dollars, and in which all the defendants are residents of the county in which the action is brought at the time of its commencement, subject to the right of the supreme court upon special motion, for good cause shown, to remove any such action into the supreme court before trial, and also, on such removal being made, to change the venue or place of trial. They shall have such appellate jurisdiction as is now provided by law.

§ 2. This act shall take effect immediately.

The section intended to be amended by the above act was repealed by ch. 417, L. 1877. See § 15 of article 6 of the Constitution, and § 840, Co. Civ. Proc.

CHAP. 484.

Plank
roads and
turnpike
com-
panies.

AN ACT in relation to plank roads and turnpike companies.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Neglect to
file con-
sent and
statement.

SECTION 1. Whenever, by oversight or mistake, the officers of any plank road company or turnpike company have neglected to make, file and record in the office of the clerk of the county or counties in which such plank road or turnpike road is located, within one year before the expiration of the term of the corporate existence of such company, and in the office of the secretary of State, the consent provided for in section one of chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-six, and a statement showing the actual capital expended in the construction of any such plank road or turnpike road, exclusive of repairs, together with the consent in writing from the persons owning two-thirds of the capital stock of such company, and a statement of the number of years which they shall desire such corporate existence extended, and the name of each town or ward through or into which said road passes, it shall and may be lawful for such companies to make and file such statements and consents as are provided for in said section one of chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-six, within three months from the time this act takes effect, provided such com-

Time
extended.

panies shall have, within the time prescribed by law, obtained the consent of a majority of the board of supervisors of the respective counties in which they may be situate, consenting to the continuance of their, or its corporate existence for not more than thirty years.

§ 2. Whenever any plank road company shall, for any reason, fail to have its corporate existence extended, such portion of the line of said road as was built over lands which were originally purchased by said company for that purpose, and was not previously a public highway, shall not be taken possession or control of by the town in which the same may lie, or be claimed or worked as a public highway, until the said town shall pay over to said company the principal sum of the amounts paid by said company for the same, as shown by the deeds of conveyance therefor, given to said company therefor.

Failure to have corporate existence extended. Town not to take possession of lands until principal sum paid by company is returned.

§ 3. This act shall take effect immediately.

CHAP. 486.

AN ACT to secure the payment of mechanics, laborers and workmen who perform work, also persons furnishing materials toward the erection, altering or repairing buildings, wharves, vaults or any other structure in the cities of the State of New York.

Mechanics, laborers and workmen.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person or persons who shall hereafter, either as contractor, sub-contractor, or in any capacity, under or in pursuance of, or in conformity with any contract, agreement or employment by the owner, lessee or person in possession of any land in any of the cities of the State of New York, perform any work, labor or services, or furnish any materials toward the erection, altering or repairing of any house, vault, wharf, fence or any other structure, or in grading, filling in, excavating or laying walks on any lots of land in the cities of the State of New York, shall, upon filing the notice prescribed in the second section of this act, have a lien for the price or value of such work, labor, services and materials upon such house, vault, wharf, fence, or other structure, and appurtenances, and the lot upon which said grading or excavating is done, or walk laid, to the extent of the right, title and interest of the said owner, lessee or person in possession of said house, vault, wharf, fence or other structure and appurtenances and the land upon which the same stand, at the time of the filing of the notice of claim in the second section of this act specified, or the successors in interest of such owner, lessee or person so in possession taking with notice of said lien.

Mechanics' liens.

§ 2. At any time before or within thirty days after the completion of the erection, altering or repairing of any house, vault, wharf, fence or structure, or grading, filling in, excavating, or laying walks on any lot of land in the said cities of the State of New York, the persons so performing such work, labor or services, or furnishing such materials, may file with the clerk of the county where the land or premises are situated, a notice in writing stating his or their residences, the amount of the claim, from whom due, and if not due, when it will be due,

Filing of notice.

the person or persons against whom the claim is made, the name of the owner, lessee or person in possession of the building (against whose interest a lien is claimed), but the failure to state the name of the true owner, lessee or person in possession shall not impair the validity of the lien; also a brief description of the buildings or premises sufficient to identify the lands or premises against which the lien is claimed. The said notice of lien shall be verified by the person or persons making the claim, or his or their agent, or any other person, to the effect that the statements therein contained are true, to the best of his or their knowledge, information and belief. Successive liens may be filed for work, labor, services and materials done and furnished, under one contract or employment, but the filing of any such lien or liens shall not entitle the person so filing the same to recover judgment for the amount of such lien or liens unless he shall be entitled to receive payment by the terms of the contract, or agreement, or employment, and in case of sub-contractors or persons doing work or furnishing materials to contractors, no judgment shall be rendered for any greater amount than the amount which shall be due from the owner to the contractor at the time of the filing of the lien, or which may become due afterward, or which by the terms of the contract or agreement shall be due at the time of the rendering of such judgment.

Successive
liens.

Priority.

§ 3. Where an owner of lands contracts with a builder for the sale of lots and the erection of buildings thereon, and agrees to advance moneys toward the erection of such buildings, the lien hereinbefore authorized shall have priority to all advances made after the filing of said notices of lien. And the lien shall attach to the right, title and interest of the owner in said building and land to the extent of all advances which shall have become due after the filing of such lien, and shall also attach to and be a lien on the right, title and interest of the person so agreeing to purchase said land at the time of the filing of said notices of lien.

County
clerk to
record.

§ 4. The county clerk shall enter in a lien docket the name and residence of the claimant, the person against whom claimed, the amount claimed, the date of filing, and a brief description of the premises affected. He shall be entitled to receive a fee of ten cents for each lien filed.

How
may be
continued.

§ 5. Liens shall in all cases cease after one year from date of filing unless an action shall be commenced, and a notice of lis pendens filed with the clerk of the county wherein the premises are situated, or an order made continuing the lien for another year; in the latter case the county clerk shall, upon filing such order, make a new docket of such lien. Successive orders and new dockets may be made in the discretion of the court.

How dis-
charged.

§ 6. The lien may be discharged as follows:

1. By filing a certificate of the claimant or his successor in interest, acknowledged or proved in the same manner as the satisfaction of a mortgage, stating that the lien is discharged.
2. By depositing with the county clerk, if before suit is commenced, a sum of money equal to the amount claimed; and if suit shall have been commenced, a sum equal to the amount claimed; and such sum in addition as shall be ordered by a judge of the court in which the action shall have been commenced, as security for the costs of the action; such deposit, after suit brought, to be made on notice or on an order to show cause directed to the plaintiff in the action or his attorney.

3. By the expiration of one year after the filing of said lien without any order being made continuing the same or notice of *lis pendens* filed as aforesaid.

§ 7. The liens provided under this act shall be enforced by civil action commenced in any court of record in said city, having equitable jurisdiction, by any persons claimant, the original or sub-contractor, or an assignee thereof, or contractor against any property affected thereby, at any time within one year from the filing of such lien. Such action shall be commenced, carried on and judgment entered and enforced as provided in an action to foreclose a mortgage in the Code of Civil Procedure, and the plaintiff shall make all other parties who have filed subsequent liens under this act, or have any prior record, claims or liens upon said premises and their appurtenances, defendants in such action. And the court shall determine the priority of the liens, the amounts due thereon, and the rights of the respective parties, and render judgment accordingly. The court may also render personal judgment against or in favor of any party to the action. Costs for or against the parties litigant shall be in the discretion of the court.

Enforced
by action.

§ 8. When separate actions are brought to foreclose liens against the same property, the court may, on motion, consolidate them.

Separate
actions.

§ 9. Appeals in actions to enforce liens, provided for in this act, may be taken in the same manner and within the time, and shall be governed by the same rules and practice as prevail in actions for the foreclosure of mortgages.

Appeals.

§ 10. Buildings and property used for public purposes are especially excepted from the operation or effect of this act.

Excep-
tions.

§ 11. This act shall not apply to the city of Buffalo.

§ 12. This act shall take effect immediately.

CHAP. 487.

AN ACT to amend chapter seven hundred and seventeen of the laws of eighteen hundred and seventy, entitled "An act to authorize the sale of real estate in which any widow is or shall be entitled to dower in satisfaction and discharge thereof."

Dower,
insane
widow.

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter seven hundred and seventeen of the laws of eighteen hundred and seventy, entitled "An act to authorize the sale of real estate in which any widow is or shall be entitled to dower in satisfaction and discharge thereof," is hereby amended so as to read as follows:

Amending
ch. 717,
Laws 1870.

§ 7. Whenever the personal estate of any insane or lunatic widow entitled to dower in any real estate shall be insufficient for the payment of her debts, or for her support, or when it appears to be for the best interest and advantage of the estate of any such insane or lunatic widow that her dower interest in any real estate should be converted into money, her committee may apply to the supreme court by petition, praying for authority to institute an action in the name of such insane or lunatic widow, under and in accordance with the provisions of the act hereby amended, to procure the sale of the real

Dower
interest of
lunatic
widow
in real
estate may
be con-
verted into
money for
her sup-
port when
personal
estate in-
sufficient.

estate which is or shall be subject to her dower, in order that such dower right may be satisfied by the payment to such committee of a gross sum in lieu thereof. Such petition shall set forth the particulars as to the amount of such personal estate; the estimated value of such dower right, and an account of the debts and demands existing against such widow, or against her estate, together with such reasons as may exist for making the application. If, upon the presentation of such petition, the court shall become satisfied that the representations and allegations therein contained are true, it may in its discretion make an order granting the prayer of such petitioner for the authority herein specified. The consent to accept a sum in lieu of dower, required by the first section of the act hereby amended, may be executed and acknowledged by the committee of any such lunatic or insane doweress; and when so executed and acknowledged by such committee, shall be as effectual as if the same had been done by such doweress in person while of sound mind. The gross sum of money, in satisfaction and lieu of such dower, shall be paid to such committee upon giving such further security therefor as the court may require. And such committee shall account for such money so received by him as if the same had originally formed a part of the personal estate of such lunatic or insane widow.

Ante, vol. 7, p. 771. The act of 1870 was repealed by ch. 245, *ante*. See Co. Civ. Proc., §§ 2848-2863.

CHAP. 493.

Superintendent of public works.

AN ACT defining the powers and duties of the superintendent of public works.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

To furnish tools, materials and labor for canals.

SECTION 1. The superintendent of public works shall have the power, and it shall be his duty, to provide all necessary tools, materials and labor for the repair and navigation of the canals, and for the construction and improvement of the canals. The superintendent shall make payment monthly for all tools, materials and labor provided by him for account of the canals; payment therefor shall be made on or before the fifteenth of every month for tools, materials and labor provided for the preceding month.

May subdivide and make rules and regulations.

§ 2. The superintendent of public works shall have the power to divide the canals into such subdivisions or sections as he may deem advisable, and make all necessary rules and regulations for the government of all employees engaged by him in the repair and navigation of the canals, and in the construction and improvement of the canals, also all necessary rules and regulations to provide for the payment for tools, materials and labor, and to fix the compensation for the services of all officers and employees appointed by him when the salary is not fixed by law. The schedule of prices when fixed shall be filed with the auditor of the canal department.

Pay-roll.

§ 3. As soon as practicable after the first day of each month and in time to make payment on or before the fifteenth thereof, the superintendent of public works shall prepare a pay-roll by sections, stating the number of the section-length; the name of each employee; the

number of days' labor performed by each; the price per day or month; team work, with the price per day for team and driver, with the gross amount due to each opposite his respective name, which, with all bills for tools and materials purchased and delivered the preceding month, shall be presented to the auditor of the canal department, duly certified to be correct by the superintendent of public works. On presentation of such pay-rolls and bills for purchase of tools and materials, the auditor of the canal department shall pay to the superintendent of public works, on his warrant, the money to make payment for the tools, materials and labor provided by him for the use of the canals the preceding month. The auditor of the canal department shall possess and exercise the same power and authority in advancing money and settling with the superintendent of public works for tools, materials and labor provided by him, as is now vested in him by law, in settling and closing accounts with superintendents of canal repairs. All original bills for the purchase of tools and materials, when signed by the parties from whom the purchases were made, with the section pay-rolls duly signed by each employee opposite his respective name, shall be filed in the office of the auditor of the canal department, and duplicates thereof shall be filed in the office of the superintendent of public works.

§ 4. When construction or improvement work shall be ordered by the legislature or canal board to be done upon any of the canals of this State, the State engineer and surveyor shall make, or cause to be made, all surveys, maps, plans, specifications and estimates that may be required by the canal board, or by the superintendent of public works, to determine the proper location of the line of the canal, or any portion thereof, or that may be necessary preparatory to commencing any work of construction or improvement; and shall transmit a copy thereof to the superintendent of public works, and to the canal board with his approval indorsed thereon. On obtaining thereon the certificate of adoption of the canal board, he shall file the same in his office, and a copy thereof in the office of the superintendent of public works. Whenever the superintendent of public works shall require the services of an engineer upon any portion of the canals undergoing repairs, or upon any construction or improvement work, the superintendent of public works may call upon the State engineer and surveyor for the assignment of an engineer. It shall be his duty to make such assignment upon such requisition. The State engineer and surveyor shall perform all such duties in relation to the repair of the canals and in the construction and improvement of the canals as shall be required by the superintendent of public works.

Construction or improvement work.

State engineer and surveyor to act with superintendent when required.

§ 5. The superintendent of public works shall have full power to make and promulgate all needful rules and regulations for the safe and speedy navigation, and for the protection and maintenance of the canals and the structures thereof. The superintendent of public works, his deputies, superintendents or foremen of sections and lock-tenders appointed by him shall possess all the statutory power now possessed by superintendents of canal repairs and lock-tenders, and may arrest, anywhere within the jurisdiction of their office, all offenders under this section, and convey and deliver them to the proper officers or magistrates, to be proceeded against according to law, and when it shall be necessary the said officers are hereby empowered and authorized to command and have the assistance of any person upon whom they may call in making such arrest.

Power of superintendent to make rules and regulations.

§ 6. All laws and parts of laws in conflict with any provisions of this act are hereby repealed.

§ 7. This act shall take effect immediately.

CHAP. 496.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of title two of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

Amending ch. 291, Laws 1870.

Election of
corporation
officers.

§ 15. Elections of elective officers of the corporation, after the first election of officers, shall be held annually on the third Tuesday of March, at one o'clock in the afternoon, and continue till sunset, at such place as shall be designated by the trustees, or a majority of them; at least six days' notice shall be given by the trustees, or a majority of them, prior to said election, by posting notices in six conspicuous places in the village, by the clerk, or some one appointed by the trustees, if there is no clerk. In case the trustees neglect to appoint a place, the election shall be held at the place of the last preceding annual election. But any village, incorporated under the provisions of this act, may change the date on which such election shall be annually held to some other day, provided, however, that such change shall not be made unless upon the written application of the voters representing a majority of the taxable property of such village, directed to the board of trustees of such village, requesting the said board to submit the question of such change to a vote of the duly qualified voters of such village; upon the presentation of such application to such board of trustees, it shall be the duty of such board to cause written or printed notices of such election to be posted up in at least six conspicuous public places in such village, stating the object of such election and the date and time on which the same shall be held, which time shall not be less than thirty days nor more than sixty days from the time of posting such notices. Suitable ballots for such election shall be prepared under the direction of the board of trustees of such village. The said board of trustees shall preside at such election, shall canvass the votes cast, shall declare the result thereof and shall file a certificate thereof, signed and sworn to by them, in the office of the village clerk in such village. If a majority of all the votes cast shall be in favor of such change to another day than that named herein, then and in that case such annual election shall thereafter be held in such village on the day specified by a majority of the voters of such village.

§ 2. This act shall take effect immediately.

Ante, vol. 7, p. 687.

CHAP. 498.

New York
City.

AN ACT to provide for leasing wharf property necessary for ferry purposes along with the franchise of a ferry within the city of New York.

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commis-
sioners of
sinking
fund
authorized
to lease
wharf
property
along with
franchise.

SECTION 1. The commissioners of the sinking fund of the city of New York shall hereafter possess the power, and they are hereby authorized to lease, in the manner provided by law, along with the franchise of a ferry within said city, such wharf property, including wharves, piers, bulk-heads and structures thereon, and slips, docks, and water fronts adjacent thereto, used or required for the purposes of such ferry, now owned or possessed, or which may be hereafter owned or acquired by said city, or to which the corporation of said city is or may become entitled, or of which it may become possessed.

Excep-
tions.

§ 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Nothing in this act contained shall be held

to apply to that portion of the East river which has, by law, been exclusively set apart for the use of canal boats engaged in the transportation of freights in the Hudson river, coming to tide-water from the canals of the State.

§ 8. This act shall take effect immediately.

CHAP. 503.

AN ACT to amend chapter five hundred and twenty-two of the laws of eighteen hundred and sixty-five, entitled "An act to amend title one of chapter sixteen of the first part of the Revised Statutes, in regard to roads and bridges and the appointment of overseers of highways." Roads and bridges.

PASSED May 28, 1860; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter five hundred and twenty-two of the laws of eighteen hundred and sixty-five, entitled "An act to amend title one of chapter sixteen of the first part of the Revised Statutes, in regard to roads and bridges and the appointment of overseers of highways," is hereby amended so as to read as follows: Amending ch. 522, Laws 1865.

§ 7. From and after the passage of this act the commissioner or commissioners of highways in each town of this State shall have the power, and it shall be their duty, within one week after such annual town meeting, by an instrument under their hand or hands, to be filed with the town clerk, to appoint as many overseers of highways in their respective towns as there are road districts therein, which overseer shall be a freeholder unless by petition as hereinafter provided, unless there are no freeholders in such district, to hold their office during one year; but, in making such appointment, it shall be the duty of such commissioner or commissioners to appoint such person, whether freeholder or not, in any such district, as may be suggested or nominated by a written petition, signed by residents of such district, representing three-fifths of the number of days' work assessed in such district for the next preceding year. And it shall be the duty of the town clerk to notify each overseer of his appointment, as now required by law in case of elections; and all provisions of law now applicable to overseers of highways heretofore elected under the provisions of the sections above amended shall apply to overseers of highways appointed under the provisions of this act. Commissioners of highways to appoint overseers.

§ 2. This act shall take effect immediately.

Ante, vol. 6, p. 496. See ch. 791, L. 1868, *ante*, vol. 7, p. 344.

CHAP. 504.

Supervisors.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 482,
Laws 1875.

SECTION 1. Sub-section twenty-seven of section one of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," is hereby amended so as to read as follows:

Appointment of assessors, highway commissioners and overseers of the poor.

27. To designate, upon the application of any town, duly made by the vote of its electors at an annual town meeting, the number of assessors of such town as their terms expire, not to exceed three; and the number of highway commissioners of such town, not to exceed three; and the number of overseers of the poor of such town, not to exceed two; and when the number of assessors shall be reduced to one to increase his compensation to an amount not exceeding three dollars per diem.

§ 2. This act shall take effect immediately.

Ante, p. 162.

CHAP. 508.

Elections, right of suffrage.

AN ACT to amend chapter eight hundred and twenty-four of the laws of eighteen hundred and seventy-three, entitled "An act to amend section nineteen of chapter five hundred and seventy of the laws of eighteen hundred and seventy-two, entitled 'An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York.''"

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 824,
Laws 1878.

SECTION 1. Section one of chapter eight hundred and twenty-four of the laws of eighteen hundred and seventy-three, entitled "An act to amend section nineteen of chapter five hundred and seventy of the laws of eighteen hundred and seventy-two, entitled 'An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the laws of eighteen hundred and seventy-one,

entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York,' is hereby amended so as to read as follows:

§ 1. Section nineteen of chapter five hundred and seventy of the laws of eighteen hundred and seventy-two, entitled "An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York,' is hereby amended so as to read as follows:

§ 19. This act shall apply in all the incorporated cities in this State, except New York and Brooklyn, and in all incorporated villages of over seven thousand inhabitants as determined by the last census; but this act shall not affect any law in reference to the registration of voters in towns or villages abutting against cities.

What cities and towns excepted.

§ 2. This act shall take effect immediately.

Ante, vol. 9, p. 779.

CHAP. 510.

AN ACT to regulate voting by stock and bondholders of railroad corporations.

Railroad corporations.

PASSED May 29, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Before entering upon his duties each inspector of election at a meeting of the stockholders of any railroad company of this State for the purpose of electing directors thereof, or for any other purpose, shall take and subscribe, before some officer authorized to administer oaths, an oath or affirmation that he will well and truly do and perform the duties of the office of an inspector at such election, according to the best of his ability, which oath or affirmation shall be immediately filed in the office of the clerk of the county in which such election shall be held, together with a certificate of the result of the vote taken at such meeting or election.

Inspectors of election to be sworn.

§ 2. It shall not be lawful for any person to vote, or to issue a proxy to any other person or persons to vote at any meeting of stockholders or bondholders, or of stockholders and bondholders of any railroad corporation in this State for the election of directors, or for any other purpose, upon any stock or bonds where the certificates for said stock or the said bonds shall not be in the possession or under the control of the person on whose behalf the vote is to be given, and such last-mentioned person shall have ceased to retain the title to the stock represented by such certificates or the said bonds as owner in his own right, or in his capacity of executor, administrator, trustee, committee, guardian or otherwise, notwithstanding said stock or bonds may still stand in his name on the books of said corporation. No person having the right to vote upon stock or bonds shall sell his vote or issue a proxy to vote upon such stock or bonds to any person for any sum of money, or any thing of value whatever. Any person offering to vote upon stock or bonds registered or standing in his name shall, if required by any inspector of election, take and subscribe the following

Proxies.

Stockholders prohibited from selling vote or proxy.

Form of
oath.

oath or affirmation: "I do solemnly swear (or affirm) that in voting at this election I have not, either directly or impliedly, received any promise or any sum of money, or any thing of value whatever, to influence the giving of my vote, or votes, at this election; and that I have not sold or otherwise disposed of my interest in or title to any shares or bonds in respect to which I offer to vote at this election, but that all such shares and bonds still remain in my possession or subject to my control." And any person offering to vote as agent, attorney or proxy for any other person shall, if required by inspector of election, take and subscribe the following oath (or affirmation): "I do solemnly swear (or affirm) that the title to the stock or bonds upon which I now offer to vote is, to the best of my knowledge and belief, truly and in good faith vested in the persons in whose name they now stand, and that the said persons still retain control of the said shares and bonds, and that I have not, either directly or indirectly or impliedly, given any promise or any sum of money, or any thing of value whatever to induce the giving of authority to vote upon such stock or bonds to me." The inspectors at any such election are authorized to administer the aforesaid oath or affirmation, and said oath and said proxies shall be filed in the office of said corporation. Any person who knowingly or willfully shall swear or affirm falsely in taking the oath or affirmation prescribed by this act shall be guilty of perjury. Any person violating any of the other provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment not exceeding one year, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

False
swearing,
perjury.

Penalty.

§ 3. This act shall take effect immediately.

CHAP. 512.

Super-
visors.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

PASSED May 29, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
ch. 483.
Laws 1875.

SECTION 1. Chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," is hereby amended by adding thereto the following additional subdivisions to section one of said act:

REGISTRATION OF MARRIAGES, BIRTHS AND DEATHS.

Registra-
tion of
marriages,
births and
deaths.

31. To provide for the registration, in the clerk's office in each town and village in the county, of every marriage, birth and death which may occur in said town or village; such registration to be made upon the report, within three days of the event, of the attending clergyman, magistrate or physician. Such registration to be made in books of record, properly bound, lettered, paged, ruled, printed, indexed and

prepared for the purpose, and furnished whenever necessary, and upon a written demand of the said clerk, by the board of supervisors to each town or village; the expense of which books shall be a proper county charge, to be paid for as a charge in the general expenses of the county. Such books shall be so ruled and printed that sufficient space shall be had between the lines and columns of each page thereof, to clearly and fully record the date, name, residence, locality, giving the street and number if possible, age, and disease of each person dying; and the name or names, color, age and nationality of every person married, and the date thereof; and the name or names of the parent or parents, together with the sex, color, date and place of birth of each child so born.

32. To provide by ordinance, rule, resolution or regulation for the non-removal of any dead body to any place without the limits of the said county, or to prevent the bringing to or within the limits of said county of any dead body by any railroad or steamboat corporation, or by any express company or common carrier, or by any other person or persons or corporations whatsoever; or the burial or interment of any dead body within the said county without a burial permit first being had and obtained; such permit to be based upon a medical certificate of the cause of death, or upon a coroner's inquest, or, in case where no medical certificate can be obtained, and no coroner's inquest has been held or required by law, such permit may be granted upon affidavit, duly verified by some person or persons known to the office granting such permit, stating the circumstance, time and cause of death, as nearly as the same can be ascertained, and to be issued by the clerk or a justice of the peace or police justice of the town or village in which such death occurs, or where such burial or interment is to be made, and to be recorded by him. To provide books and blank forms of permits and of medical certificates, properly printed and ruled for use for such purposes as aforesaid, and to be furnished and paid for as is provided for the books required in the next preceding section hereto. Such books and such permits shall, in each case, contain the name of the person or corporation to whom such permit of removal or of burial is given. Any willful non-observance or disobedience of any rules, ordinances, regulations or resolutions of said board of supervisors, made in accordance with the powers hereby granted, shall be deemed a misdemeanor, and be punishable as such.

Non-removal and bringing of dead bodies within limits of county.

Non-observance a misdemeanor.

33. To fix the amount and provide for the payment of the registration fees in all such cases as aforesaid, and to provide for obtaining copies of such records, and for the amount and payment of fees for such copies. Such copies duly attested by said town or village clerk shall be admitted in all the courts of this State as prima facie evidence of the facts therein set forth.

Registration fees.

34. To establish a fire district in any unincorporated village in this State, and to authorize such district to procure a supply of water, and to purchase apparatus for the extinguishment of fires therein, upon the application of thirty residents and freeholders of the proposed district; and to provide for the assessment, levy and collection of the cost thereof upon such district, in the same manner, at the same time, and by the same officers as the taxes of the town in which such village is located are assessed, levied and collected.

Fire districts.

35. To provide for and use all necessary means for the prevention of, and to prevent the spread of all infectious and contagious diseases, and for the payment of all expenses necessarily incurred therefor.

Infectious and contagious diseases.

§ 2. This act shall take effect immediately.

Ante, p. 162.

CHAP. 513.

Physicians
and
surgeons.

AN ACT entitled "An act to regulate the licensing of physicians and surgeons."

PASSED May 29, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Not to
practice
unless
twenty-
one years
of age.

SECTION 1. A person shall not practice physic or surgery within the State unless he is twenty-one years of age, and either has been heretofore authorized so to do, pursuant to the laws in force at the time of his authorization, or is hereafter authorized so to do as prescribed by chapter seven hundred and forty-six of the laws of eighteen hundred and seventy-two, or by subsequent sections of this act.

Registra-
tion of
physicians
and
surgeons.

Oath.

§ 2. Every person now lawfully engaged in the practice of physic and surgery within the State shall, on or before the first day of October, eighteen hundred and eighty, and every person hereafter duly authorized to practice physic and surgery shall, before commencing to practice, register in the clerk's office of the county where he is practicing, or intends to commence the practice of physic and surgery, in a book to be kept by said clerk, his name, residence and place of birth, together with his authority for so practicing physic and surgery as prescribed in this act. The person so registering shall subscribe and verify by oath or affirmation, before a person duly qualified to administer oaths under the laws of the State, an affidavit containing such facts, and whether such authority is by diploma or license, and the date of the same and by whom granted, which if willfully false, shall subject the affiant to conviction and punishment for perjury. The county clerk to receive a fee of twenty-five cents for such registration, to be paid by the person so registering.

Penalties
for viola-
tion.

§ 3. A person who violates either of the two preceding sections of this act, or who shall practice physic or surgery under cover of a diploma illegally obtained, shall be deemed to be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars for the first offense, and for each subsequent offense by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than thirty days nor more than ninety days, or both. The fine when collected shall be paid, the one-half to the person or corporation making the complaint, the other half into the county treasury.

Physicians
coming
from
other
states

§ 4. A person coming to the State from without the State may be licensed to practice physic and surgery, or either, within the State, in the following manner: If he has a diploma conferring upon him the degree of doctor of medicine, issued by an incorporated university, medical college, or medical school without the State, he shall exhibit the same to the faculty of some incorporated medical college or medical school of this State, with satisfactory evidence of his good moral character, and such other evidence, if any, of his qualifications as a physician or surgeon, as said faculty may require. If his diploma and qualifications are approved by them, then they shall indorse said diploma, which shall make it for the purpose of his license to practice medicine and surgery within this State the same as if issued by them. The applicant shall pay to the dean of said faculty the sum of twenty dollars for such examination and indorsement. This indorsed diploma shall

authorize him to practice physic and surgery within the State upon his complying with the provisions of section two of this act.

§ 5. The degree of doctor of medicine lawfully conferred by any incorporated medical college or university in this State shall be a license to practice physic and surgery within the State after the person to whom it is granted shall have complied with section two of this act. Degree of doctor of medicine.

§ 6. Nothing in this act shall apply to commissioned medical officers of the United States army or navy, or of the United States marine hospital service. Nor shall it apply to any person who has practiced medicine and surgery for ten years last past, and who is now pursuing the study of medicine and surgery in any legally incorporated medical college within this State, and who shall graduate from and receive a diploma within two years from the passage of this act. Who are exempt.

§ 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAP. 514.

AN ACT to amend section twenty-four of article one of title one of chapter fifteen of part one of the Revised Statutes, entitled "Of the organization and powers of the board of regents." Regent of the University.

PASSED May 29, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-four of article one of title one of chapter fifteen of part one of the Revised Statutes, entitled "Of the organization and powers of the board of regents," is hereby amended so as to read as follows: Amending ch. 15, part 1, Rev. Stat.

§ 24. Every such distribution shall be made in proportion to the number of pupils in each seminary who for four months during the preceding year shall have pursued therein classical studies of the higher branches of English education or both. Provided that in making such distribution the board of regents shall be authorized to apportion a certain part of said moneys, not to exceed the one-fourth part thereof, in proportion to the number of pupils in the several academies and academic departments of union schools who during the preceding year have passed the advanced examinations provided for in section six of chapter four hundred and twenty-five of the laws of eighteen hundred and seventy-seven, entitled "An act in regard to the instruction of common school teachers in academies and union schools and to the establishing of examinations by the regents of the university as to attainments in learning." Distribution of moneys to educational institutions.

Ante, vol. 1, p. 405.

CHAP. 517.

United
States
deposit
fund.

AN ACT to reduce and fix the rate of interest on bonds and mortgages held by the commissioners of the United States Deposit Fund in the several counties of the State; and to amend title fourteen of chapter nine of part one of the Revised Statutes, entitled "Of the United States Deposit Fund."

PASSED May 29, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest on
mortgages
held by
commis-
sioners.

SECTION 1. The interest on all mortgages on real estate held by the commissioners for loaning the United States Deposit Fund shall be from the first day of October, eighteen hundred and seventy-nine, six dollars upon one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time.

Amending
ch. 9, part
1, Rev.
Stat.

§ 2. Section twenty, chapter nine, title fourteen, part one of the Revised Statutes, entitled "Of the United States Deposit Fund," is hereby amended so as to read as follows:

Commis-
sioners to
pay
interest to
State
treasurer.
Deduc-
tions.

§ 20. The said commissioners shall, on or before the first Tuesday of November in every year, pay to the treasurer of this State the interest of the money committed to their charge, respectively, by virtue of this act at the rate of six per centum per annum; subject, however, to the following deduction: The said commissioners may retain, as a compensation for their services, out of said interest in each and every year after the following rates: Upon twenty-five thousand dollars or a less sum, so committed to their charge, three-quarters of one per centum; upon the further sum of twenty-five thousand dollars, or less, half of one per centum; and where the whole sum shall exceed fifty thousand dollars, half of one per centum, except in the city and county of New York; in which city and county the commissioners shall, upon all sums exceeding fifty thousand dollars, only be permitted to retain one-quarter of one per centum.

§ 3. This act shall take effect immediately.

There is no "title fourteen" in ch. 9, Part I, of the R. S. The provision intended to be amended is evidently § 18 of ch. 150, L. 1887, for which see *ante*, vol. 8, pp. 76 and 82.

CHAP. 527.

School
districts.

AN ACT to amend section two of chapter four hundred and five of the laws of eighteen hundred and seventy-nine, entitled "An act to amend sections two and ten of chapter two hundred and forty-eight of the laws of eighteen hundred and seventy-eight, entitled 'An act in relation to the election of officers in certain school districts.'"

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 2, ch.
405, Laws
of 1879,
amended.

SECTION 1. Section two of chapter four hundred and five of the laws of eighteen hundred and seventy-nine, entitled "An act to amend sections two and ten of chapter two hundred and forty-eight of the laws of eighteen hundred and seventy-eight, entitled 'An act in rela-

tion to the election of officers in certain school districts," is hereby amended so as to read as follows:

§ 2. Section ten of said act is hereby amended so as to read as follows:

§ 10. This act shall not apply to cities nor to union free school districts, whose boundaries correspond with those of an incorporated village, nor to any school district organized under a special act of the legislature in which the time, manner and form of the election of district officers shall be different from that prescribed for the election of officers in common school districts organized under the general law, nor to any of the school districts in the counties of Richmond, Suffolk, Chenango, Westchester, Fulton and Queens, nor to union free school district number one of the towns of Potsdam and Norfolk, St. Lawrence county, nor to union school district number two in the town of Waterloo in the county of Seneca.

Act not to apply to cities and certain school districts.

Nor to certain counties.

§ 2. This act shall take effect immediately.

Ante, p. 787.

CHAP. 529.

AN ACT to amend section thirteen hundred and twenty-three of the Code of Civil Procedure.

Code of Civil Procedure.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen hundred and twenty-three of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 1323. When a final judgment or order is reversed or modified, upon appeal, the appellate court, or the general term of the same court, as the case may be, may make or compel restitution of property, or of a right, lost by means of the erroneous judgment or order; but not so as to affect the title of a purchaser in good faith and for value. When property has been sold, the court may compel the value, or the purchase price, to be restored, or deposited to abide the event of the action, as justice requires. When the appeal is from a judgment in favor of the owner of real estate, in an action to compel the specific performance of a contract for the sale thereof, such owner shall have the same right to sell or dispose of the same as though no appeal had been taken; unless the appellant shall file with the clerk of the court a written undertaking, in a sum fixed by the court, or a judge thereof, upon a notice to the respondent of at least ten days, and to be approved by such court or judge, to the effect that the appellant will, in case the judgment appealed from shall be affirmed, pay to such owner such damages as he may suffer by reason of such appeal, not exceeding the amount of the penalty in such undertaking. Such undertaking may be filed at any time during the appeal, but any sale of such real estate or contract to sell the same in good faith and for a valuable consideration, after said judgment and before the filing of such undertaking, shall be as valid as if such undertaking had not been filed. In case such undertaking shall not be filed, the respondent shall be entitled, at any time during such appeal, to an order discharging of record any notice of pendency of action filed in the action, and also canceling and discharging of record said contract, in case the same has been recorded.

On reversal or modification of final order or judgment, court may compel restitution of property, etc.

Right to sell real estate in case of appeal unless appellant file undertaking.

When to be filed.

CHAP. 530.**Actions
for relief.**

AN ACT to provide for the bringing of actions for relief in certain cases where agreements, contracts and instruments in writing have been recorded.

PASSED May 31, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

**Action to
have cer-
tain con-
tracts
declared
void and
expunged
of record.**

SECTION 1. When any agreement, contract or instrument in writing, relating to real estate, other than those required by law to be recorded, shall have been recorded, or shall be hereafter recorded in the office of the clerk or register of any county in this State, any owner of such real estate, or of an undivided part thereof, or of any interest therein, who claims that agreement, contract or instrument in writing is invalid or void, or that the same cannot be enforced as against him, either in whole or in part, may bring and maintain, in any court of competent jurisdiction, an action for the purpose of having such agreement, contract or instrument in writing declared void, or invalid, or for the purpose of being relieved therefrom and to have the same canceled or discharged of record, as to said real estate or his undivided part thereof or interest therein, either wholly or as to such portion of such agreement, contract or instrument in writing as may be void or invalid, or which cannot be enforced as against him.

§ 2. This act shall take effect immediately.

CHAP. 531.**Preserva-
tion of
game.**

AN ACT to amend chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-nine, entitled "An act for the preservation of moose, wild deer, birds, fish and other game."

PASSED May 31, 1880; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

**Actions by
district
attorneys.**

§ 6. Any action brought or prosecuted by any district attorney pursuant to the provisions of the act hereby amended, may be discontinued by such district attorney, and neither costs nor disbursements in such action shall be recovered by any defendant therein.

**Not to
catch Cal-
ifornia
trout.**

§ 7. No person shall take, catch or kill any California trout in any of the waters of this State, in any way or by any device, between the fifteenth day of May and the first day of September. No person shall knowingly sell or purchase or have in possession any California trout killed, taken or caught in the waters of this State during the period aforesaid. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, in addition thereto, shall be liable to a penalty of twenty-five dollars for each offense.

Penalty.

§ 8. The waters of Otsego lake are hereby excepted from the provisions of this act.

§ 9. This act shall take effect immediately.

Sections 1 to 5 amend §§ 23, 24, 26, 27 and 27, respectively, of ch. 534, L. 1879, and that act is in this work printed as so amended. *Ante*, p. 890.

CHAP. 533.

AN ACT to regulate the passage of lumber, logs and other timber upon the rivers of this State, recognized by law or common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture.

Transportation of lumber, logs and other timber.

PASSED May 31, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be no dam hereafter erected on rivers within this State, recognized by law or use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same, without an apron of at least fifteen feet in width, in the middle of the current of the rivers, of a proper slope, for the safe passage of lumber, logs and other timber ; nor shall any bridge hereafter be built over the aforesaid rivers, except in such manner as not to obstruct or prevent the free and uninterrupted passage of lumber, logs and other timber down and along the same.

No dam without apron to be built across navigable rivers.

§ 2. Any person or persons who shall hereafter erect any boom or booms or works other than dams in or across the waters of said rivers, for the purpose of stopping or securing lumber, logs or other timber, or any other proper or necessary purpose, shall, within ten days after he or they, or his or their agents, shall have received notice by or from any person who shall have lumber, logs or other timber to transport on said rivers, open the said booms or other works so as to permit the assorting and passage and to allow such lumber, logs and other timber to pass through and down said rivers ; and for a failure of so doing shall be liable to a penalty of fifty dollars for each day of the continuance of such obstruction, to be recovered by any person aggrieved thereby, and in addition shall be liable for all damages sustained by any person in consequence of such obstructions ; and any person willfully obstructing, by booms or otherwise, the channels of said river so that the space of thirty feet shall not be open for use shall be liable for the penalty named in this section, to be recovered by the party aggrieved, the cost and labor of such assorting and passage to be borne by the parties desiring such logs, lumber and other timber to pass below such booms.

Booms, etc., to be opened on notice.

Penalty for failure.

§ 3. Persons desirous of floating or running lumber, logs or other timber down the rivers mentioned in the first section of this act may construct a shute or apron in connection with any dam across said rivers, and may reconstruct any booms or other works already constructed in, over or across said rivers in such manner as to allow lumber, logs or other timber to pass by the same, and may remove obstructions in said rivers and construct such other piers, booms or other works as may be necessary for the passage of lumber, logs or other timber over and through the channels of said rivers, doing no injury or damage to the owner or occupant of such boom, dam or other works, or to the owner or occupant of any land on which such piers, booms, dams or other works may be constructed, or lands flooded thereby, and paying to such owner or occupant such damages as he or they may sustain by reason of the construction of such piers, booms, or other works, or the flooding of lands thereby, and in case the

Shutes and aprons in connection with dams, etc.

Damages to be paid.

amount of such damage cannot be amicably arranged by the parties interested, the same shall be appraised by three commissioners, to be appointed by the county court of the county in which the owner or occupant claiming damage shall reside, on the application of any person interested in the appraisal of such damage, on three days' notice in writing to the opposite parties of the time and place of making such application. Such booms and other works which shall be so constructed as aforesaid, and the owners and occupants thereof shall hereafter be subject to the provisions of section two of this act.

Foregoing sections, how to be construed.

§ 4. The provisions of the foregoing sections of this act shall not be construed to impair or abridge any private or individual rights, except so far as may be necessary for the improvement of said rivers, for floating or running lumber, logs or other timber down the same.

Claims for damage.

§ 5. Any person making claim for damage arising under this act shall apply within one year after the occurrence of the same, or be debarred from recovering the same.

Marks to be put on logs and timber to be previously recorded.

§ 6. Any person who shall put any lumber, logs or other timber into the said rivers, for the purpose of floating and running them down the same, shall select some mark different from any mark previously recorded, and put the same on to each log or stick of timber, in a conspicuous place, so put into said rivers, and shall cause the said mark to be recorded in the county clerk's office of the county in or through which said river is, in whole or part, situated.

Effect of neglect to record mark.

§ 7. Every person who shall neglect to enter his mark, as required in the foregoing section, shall be debarred from all benefit arising from the due entry of such mark, and the assignee or vendor of such logs or timber shall be subject to the same regulations and restrictions.

Clerk's fee.

§ 8. The clerk of the county in which said mark shall be recorded shall be entitled to the sum of fifty cents for recording such mark, to be paid by the person requiring the same to be recorded, and a copy of said entry, certified by said clerk, shall be received as presumptive evidence in all courts in this State that the logs or timber having such mark is the property of the person by whom such mark was selected and recorded.

Persons prohibited from landing logs, etc., without consent of owner.

§ 9. No person not authorized as hereinbefore directed shall stop, take up or draw to or lodge on the shore of the aforesaid named rivers, or any island therein, any lumber, logs, timber, boards or plank floating in said rivers, without the consent of the owner or owners thereof, and every person offending in the premises shall, for each offense, forfeit the sum of ten dollars to the person aggrieved, and in addition thereto shall be liable to the owner or owners of such lumber, logs, or timber for all damages sustained thereby.

Persons intending to float logs, etc., to execute bond.

§ 10. Any person or persons intending to float or run lumber, logs or other timber upon and over any of the rivers mentioned in the first section of this act shall first execute a bond with sufficient sureties, in the sum of five thousand dollars, to be approved by the county judge of the county or counties in or through which the river or rivers proposed to be used flow, and file the same in the clerk's office of said county or counties, as an indemnity against any and all loss and damage that may be occasioned or done to any and all property, public or private, in or upon said river or its banks, by the reason of the use of said river or rivers under the provisions of this act. And any person suffering such loss or damage may maintain an action in his own name against the parties executing such bond, for his loss and damage afore-

Condition of.

Action by persons suffering loss.

said. Until such bond shall have been executed, approved and filed as aforesaid, no person or persons shall float or run any lumber, logs, or other timber upon or over any of said rivers or assist in so doing; and whoever shall violate this provision shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or imprisonment not to exceed six months, or by both such fine and imprisonment.

§ 11. This act shall not apply to the Hudson river, nor be construed to repeal any existing law now applicable to any river or rivers in this State.

§ 12. This act shall take effect immediately.

CHAP. 534.

AN ACT to provide for the taxation of life insurance companies. Life insurance companies.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every life insurance company incorporated under the laws of this State shall annually, on or before the first day of February, pay to the treasurer of the State, as a tax on its corporate franchise or business in this State, a sum equal to one per centum upon the gross amount of premiums, interest and other income, exclusive of rents, received by such company during the year ending the preceding thirty-first day of December, from persons residing in this State or investments represented by or based upon property situated in this State. Tax on Life Ins. Co's. Amount.

§ 2. Every such insurance company shall, annually, on or before the first day of February, make a return to the treasurer and comptroller of the State, signed and sworn to by its president and secretary, giving the total amount of premiums, interest and other income, exclusive of rents, received by such company during the year ending the preceding thirty-first day of December, from persons residing in this State, or investments represented by or based upon property situated in this State. Return to treasurer and comptroller.

§ 3. If any officer of any life insurance company, required by the preceding section to make and execute a return, shall refuse or willfully neglect to make or execute the same, such officer shall be guilty of a misdemeanor, and any such officer, who in such return shall make a willful false statement, shall be subject to the pains and penalties of perjury. All taxes unpaid when due by such company under this act may be collected by action brought in the supreme court in the name of the people of the State by the attorney-general at the instance of the comptroller, and in such action the court may issue an injunction restraining the further prosecution of the business of the corporation named therein until such tax due and unpaid, together with interest and the costs of the action, are paid, and until the return required by this act is made. Misdemeanor to willfully neglect or refuse to make return. Action to recover tax.

§ 4. The lands and real estate of life insurance companies shall continue to be assessed and taxed where situated for State, city, town, county, village, school, or other local purposes, but the personal property of said companies, and shares of stock therein, shall hereafter be exempt from assessment or taxation except as in this act prescribed. Lands of companies to be assessed where situated.

§ 5. This act shall take effect immediately.

CHAP. 535.

Code of
Civil Pro-
cedure.

AN ACT to amend section four hundred and thirty-five of the Code of Civil Procedure.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 430,
amended.

SECTION 1. Section four hundred and thirty-five of the Code of Civil Procedure is hereby amended so as to read as follows:

Order for
service of
summons
upon de-
fendant
residing in
this state,
upon what
proof to be
made.

§ 435. Where a summons is issued in any court of record, an order for the service thereof upon a defendant residing within the State may be made by the court or a judge thereof, or the county judge of the county where the action is triable, upon satisfactory proof, by the affidavit of a person not a party to the action, or by the return of the sheriff of the county where the defendant resides, that proper and diligent effort has been made to serve the summons upon the defendant, and that the place of his sojourn cannot be ascertained, or if he is within the State, that he avoids service, so that personal service cannot be made.

§ 2. This act shall take effect immediately.

CHAP. 536.

Code of
Civil Pro-
cedure.

AN ACT amending subdivision seven, chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, commonly known as the Code of Civil Procedure.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sub. 7, sec.
872,
amended.

SECTION 1. Subdivision seven of section eight hundred and seventy-two of chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six is hereby amended to read as follows:

What af-
davit to
state.

7. Any other fact necessary to show that the case comes within one of the last two sections, and if the party sought to be examined is a corporation, the affidavit shall state the name of the officers or directors thereof, or any of them whose testimony is necessary and material, or the books and papers as to the contents of which an examination or inspection is desired, and the order to be made in respect thereto shall direct the examination of such persons and the production of such books and papers.

§ 2. This act shall take effect immediately.

CHAP. 537.

AN ACT in relation to receivers of insolvent corporations. Insolvent corporations.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All receivers of insolvent corporations who are now required by law to make and file reports of their proceedings shall hereafter, at the time of making and filing such reports, serve a copy thereof upon the attorney-general of this State. Copy report to be served on attorney-general.

§ 2. In case any receiver of an insolvent corporation shall neglect to make and file a report of his proceedings for thirty days after the time he is now required by law to make and file such report, or shall neglect for the same length of time to serve a copy thereof on the attorney-general, as required by the first section of this act, the attorney-general may make a motion in the supreme court for an order to compel the making and filing and serving a copy on him of such report, or for the removal of such receiver from his office. Motion by attorney-general to compel making report, etc.

§ 3. If at any time the attorney-general shall have reason to believe that the interests of the stockholders, creditors, policy-holders, depositors or other beneficiaries interested in the proper and speedy distribution of the assets of such insolvent corporation will be subserved thereby, he may make a motion in the supreme court, at a special term thereof in the third judicial district, or in the judicial district in which such insolvent corporation is located, for an order removing such receiver, or to compel him to account, or for such other or additional order or orders as to the court may seem proper to facilitate the closing up of the affairs of such receivership. Motion to remove receiver may be made by attorney-general.

§ 4. A copy of all notices of motion and of all motion papers, and a copy of any other application to the court, and a copy of all papers on which the same is founded, together with a copy of the order or judgment to be proposed thereon to the court, specifying the amount of any allowance to be applied for, in any action or proceeding in which a receiver of an insolvent corporation has been or shall be appointed, shall in each case be served upon the attorney-general, in the same manner as provided by law for the service of papers on attorneys who have appeared in actions or special proceedings, and no order or judgment granted shall vary in any material respect from the relief specified in such copy order, or judgment, unless the attorney-general shall appear on the return day and have been heard in relation thereto. Copy of papers and proposed orders to be served on attorney-general.

§ 5. This act shall take effect immediately.

CHAP. 538.**Criminal cases.**

AN ACT to amend chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter eighty-two of the laws of eighteen hundred and fifty-two, entitled 'An act in relation to writs of error in behalf of the people in criminal cases.'"

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Sec. 1, ch. 176, Laws of 1879, amended.

Writ of error in behalf of people may issue except in case of acquittal by a jury.

Conviction deemed a final judgment.

SECTION 1. Section one of chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter eighty-two of the laws of eighteen hundred and fifty-two, entitled 'An act in relation to writs of error in behalf of the people in criminal cases,'" is hereby amended so as to read as follows:

§ 1. Writs of error to review any judgment rendered in favor of any defendant upon any indictment for any criminal offense, except when such defendant shall have been acquitted by a jury, and to review any decision or order quashing any indictment, may be brought in the behalf of the people of this State by the district attorney of the county where such judgment, decision or order shall be rendered or granted, upon the same being allowed by a justice of the supreme court; and the court of appeals shall have full power to review, by writ of error in behalf of the people, any such judgment, decision or order rendered, or granted in the supreme court, in favor of any defendant charged with a criminal offense. And in all cases now pending or hereafter brought, a conviction for a criminal offense shall be deemed a final judgment, when sentence shall have been suspended by the court in which the trial is had, or otherwise suspended or stayed, and such conviction shall have been reversed in due course of law by a general term of the supreme court; and the people shall be entitled to review in the court of appeals such order or judgment of reversal of such general term by writ of error, notwithstanding sentence has not been passed.

§ 2. This act shall take effect immediately.

Ante, p. 726; vol. 5, p. 176.

CHAP. 540.

Valuation of property.

AN ACT in relation to the valuation of the property of the president, managers and company of the Delaware and Hudson Canal Company in school districts, for the purpose of taxation.

PASSED June 1, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Assessors to apportion valuation among several school districts.

SECTION 1. It shall be the duty of the town assessors, within fifteen days after the completion of their annual assessment list, to apportion the valuation of the property of the president, managers, and company of the Delaware and Hudson Canal Company, as appears on such assessment list, among the several school districts in their town

in which any portion of said property is situated, giving to each of said districts their proper portion, according to the proportion that the value of said property in each of such districts bears to the value of the whole thereof in said town.

§ 2. Such apportionment shall be in writing, and shall be signed by said assessors, or a majority of them, and shall set forth the number of each district, and the amount of the valuation of the property of the president, managers and company of the Delaware and Hudson Canal Company, apportioned to each of said districts; and such apportionment shall be filed with the town clerk, by said assessors, or one of them, within five days after being made; and the amount so apportioned to each district shall be the valuation of the property of said Delaware and Hudson Canal Company, on which all taxes against said Delaware and Hudson Canal Company in and for said districts shall be levied and assessed until the next annual assessment and apportionment.

To be in writing, etc.

§ 3. In case the assessors shall neglect to make such apportionment, it shall be the duty of the supervisor of the town, on the application of the trustees or board of education of any district, or of the said Delaware and Hudson Canal Company, to make such apportionment, in the same manner and with like effect as if made by said assessors.

Supervisor to make same in case of neglect by assessors.

§ 4. The town clerk shall, whenever requested, furnish to the trustees or board of education of each district a certified statement of the amounts apportioned to such district, and the name of the company to which the same relates.

Certified statement to be furnished trustees.

§ 5. The town clerk shall, whenever requested, once each year, furnish to the agent of the said Delaware and Hudson Canal Company and to the trustees or board of education of each school district to which any portion of said appropriation belongs, a certified copy of said apportionment.

To agent of company.

§ 6. In case any alteration shall be made in any school district, affecting the property of the said Delaware and Hudson Canal Company, the officer making such alteration shall at the same time determine what change in the valuation of the said property in such district would be just, on account of the alteration of such district, and the valuation shall be accordingly changed.

In case of alteration of district; valuation to be changed.

§ 7. This act shall take effect immediately.

CHAP. 541.

AN ACT to compel the maintenance of certain lights on swing bridges across the Hudson river.

Hudson river.

PASSED June 1, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every individual, association of individuals, company or corporation, owning, maintaining or operating a swing bridge across the Hudson river shall, during the season of navigation, between sun-down and sunrise, keep and maintain the following lights: Upon every such swing bridge with water way on each side of pivot pier eight lights located as follows: On the east rest pier on or over the north end one red light, on or over the south end one red light, on

Lights upon swing bridges.

Description.

the west rest pier on or over the north end one red light, on or over the north end one red light,* on or over the south end one red light, and when open a green light on each corner of said swing bridge. Upon every such swing bridge with water way on but one side of pivot pier five lights located as follows: On the rest pier nearest the channel on or over the north end one red light, on or over the south end one red light, and when such swing bridge is open a green light at each end thereof upon the corners nearest the channel. Said lights to be of the usual brilliancy of lights used for such purposes known as signal lanterns.

Violation of this act a misdemeanor.

§ 2. Every person, association, company or corporation who shall violate the foregoing provisions shall for every such offense be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine not exceeding the sum of one hundred dollars.

§ 3. This act shall take effect July first, eighteen hundred and eighty.

CHAP. 542.

Capital stock taxed.

AN ACT to provide for raising taxes for the use of the State upon certain corporations, joint-stock companies and associations.

PASSED June 1, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

President or treasurer to make annual report to comptroller on or before the 15th of November.

In case where dividend has not been declared, treasurer and secretary to estimate and appraise capital stock.

SECTION 1. Hereafter, it shall be the duty of the president or treasurer of every association, corporation or joint-stock company liable to be taxed on its capital stock, as provided in section three of this act, to make report in writing to the comptroller, annually, on or before the fifteenth day of November, stating specifically the amount of capital paid in, the date, amount and rate per centum of each and every dividend declared by their respective corporations, joint-stock companies or associations, during the year ending with the first day of said month. In all cases where any such corporation, joint-stock company or association shall fail to make or declare any dividend upon either its common or preferred stock during the year ending as aforesaid, or in case the dividend or dividends made or declared upon either its common or preferred stock, during the year ending as aforesaid, shall amount to less than six per centum upon the par value of the said common or preferred stock, the treasurer and secretary thereof, after being duly sworn or affirmed to do and perform the same with fidelity, according to the best of their knowledge and belief, shall, between the first and fifteenth days of November, in each year, in which no dividend has been made or declared as aforesaid, or in which the dividend or dividends made or declared upon either its common or preferred stock amounted to less than six per centum upon the par value of said common or preferred stock, estimate and appraise the capital stock of such company upon which no dividend has been made or declared, or upon the par value of which the dividend or dividends made or declared amounted to less than six per centum, at its actual value in

cash, not less, however, than the average price which said stock sold for during said year; and when the same shall have been so truly estimated and appraised, they shall forthwith forward to the comptroller a certificate thereof, accompanied by a copy of their said oath or affirmation, by them signed, and attested by the magistrate or other person qualified to administer the same; provided, that if the comptroller is not satisfied with the valuation so made and returned, he is hereby authorized and empowered to make a valuation thereof and to settle an account upon the valuation so made by him for the taxes, penalties and interest due the estate thereon; and any association, corporation or joint-stock company dissatisfied with the account so settled may within ten days appeal therefrom to the board of equalization, which board, on such appeal, shall affirm or correct the account so settled by the comptroller, and the decision of said board shall be final; but such appeal shall not stay proceedings unless the full amount of the taxes, penalties and interest as due on said account, as settled by the comptroller, be deposited with the State treasurer.

Certificate of appraisal and copy oath to be forwarded to comptroller.

When comptroller may make valuation.

Appeal.

§ 2. If the said officers of any such corporation, joint-stock company or association shall neglect or refuse to furnish the comptroller, on or before the fifteenth day of November of each and every year, with the report aforesaid, or the certificate of appraisement, and oath or affirmation, as the case may be, as required by the first section of this act, it shall be the duty of the comptroller of the State to add ten per centum to the tax of said corporation for each and every year for which such report or certificate of appraisement and oath or affirmation were not so furnished, which per centage shall be assessed and collected with the said tax in the usual manner of assessing and collecting such taxes; provided, that if said officers of any such corporation, joint-stock company or association shall intentionally fail to comply with the provisions of the first section of this act for two successive years, the comptroller shall report the fact to the governor, who, if he shall be made satisfied that such failure was intentional, shall thereupon direct the attorney-general to take proceedings, in the name of the people of this State, to declare the charter of said corporation, joint-stock company or association forfeited, and its chartered privileges at an end; and for such intentional failure, the charter, chartered privileges, corporate rights and franchises of every such corporation, joint-stock company or association shall cease, end, and be determined.

Comptroller to add ten per centum to tax in case of failure to make report, etc.

In case of failure for two successive years comptroller to report fact to governor.

§ 3. Every corporation, joint-stock company or association whatever, now or hereafter incorporated under any law of this State, or now or hereafter incorporated by any other State or country and doing business in this State, except savings banks, and institutions for savings, life insurance companies, banks and foreign insurance companies, and manufacturing corporations carrying on manufacture within this State, shall be subject to and pay a tax into the treasury of the State annually, to be computed as follows: If the dividend or dividends, made or declared by such corporation, joint-stock company or association, during any year ending with the first Monday in November, amount to six or more than six per centum upon the par value of its capital stock, then the tax to be at the rate of one-quarter mill upon the capital stock for each one per centum of dividend so made or declared, or if no dividend be made or declared, or if the dividend or dividends made or declared do not amount to six per centum upon the par value of said capital stock, then the tax to be at the rate of one

Annual tax.

Amount.

and one-half mills upon each dollar of a valuation of the said capital stock made in accordance with the provisions of the first section of this act; and in case any such corporation, joint-stock company or association shall have more than one kind of capital stock, as for instance, common and preferred stock, and upon one of said stocks a dividend or dividends amounting to six or more than six per centum upon the par value thereof has been made or declared, and upon the other no dividend has been made or declared or the dividend or dividends made or declared thereon amount to less than six per centum upon the par value thereof, then the tax shall be at the rate of one-quarter mill for each one per centum of dividend made or declared upon the capital stock, upon the par value of which the dividend or dividends made or declared amount to six or more than six per centum, and in addition thereto, tax shall be charged at the rate of one and one-half mills upon each dollar of a valuation, made also in accordance with the provisions of the first section of this act, of the capital stock upon which no dividend was made or declared, or upon the par value of which the dividend or dividends made or declared did not amount to six per centum.

Id.

Tax to be paid between 1st and 15th of January in each year.

President or other officer of insurance companies to make report to comptroller semi-annually.

What report to contain.

Amount of tax.

Fire or marine insurance companies to pay tax.

Amount.

§ 4. It shall be the duty of the treasurer or other officer, having charge of any corporation, joint-stock company or association, upon which a tax is imposed by either of the preceding sections of this act, to transmit the amount of said tax to the treasury of the State within fifteen days from the first day of January in each and every year.

§ 5. Hereafter it shall be the duty of the president, secretary, or other proper officer of each and every insurance company or association incorporated by or under any law of this State, except life insurance companies, and purely mutual beneficial associations, whose fund for the benefit of members, their families, or heirs, is made up entirely of contributions of their members, and the accumulated interest thereon, to make report in writing to the comptroller semi-annually upon the first days of August and February in each year, setting forth the entire amount of premiums received on business done in this State by such company or association during the six months ending the preceding first days of July and January, whether the said premiums were received in money or in the form of notes, credits, or any other substitute for money, and every such corporation or association shall pay into the State treasury at the dates aforesaid a tax of eight-tenths of one per centum upon the gross amount of said premium; provided, that said report shall be made under oath or affirmation, and that it shall be the duty of the comptroller of the State to add ten per centum to the account of any company or association whose officers shall neglect or refuse for a period of thirty days to make the said report, or to pay into the State treasury the tax imposed by this section. Every fire or marine insurance company organized under the laws of any other State or country, and doing business in this State, and every person, partnership, corporation, or company doing a fire or marine insurance business in this State, shall pay into the treasury on the first day of February and August in each year, a tax of eight-tenths of one per centum on their gross premiums received by them on business transacted in this State during the six months preceding the first day of January and July. And every such company, person, partnership, or corporation, or the agents and officers thereof in this State shall make report in writing to the comptroller semi-annually upon the first day of February and August in each year, setting forth the entire amount of premiums received.

§ 6. In addition to the taxes above provided for, every corporation formed for railroad, canal, steamboat, ferry, express, navigation or transportation purposes, and every elevated railway company, and every other corporation, joint-stock company or association now or hereafter incorporated by or under any law of this State, or now or hereafter incorporated by any other State or country and doing business in this State, and owning, operating or leasing to or from another corporation, joint-stock company or association, any railroad, canal, steamboat, ferry, express, navigation, pipe line or transportation route or line, or elevated railway, or other device for the transportation of freight or passengers, or in any way engaged in the business of transporting freights or passengers, and every telegraph company or telephone company incorporated under the laws of this or any other State, and doing business in this State, and every express company, palace car or sleeping car company, incorporated or unincorporated, doing business in this State, shall pay to the State treasurer for the use of the State a tax of five-tenths of one per centum upon the gross earnings in this State of said corporation or company, for tolls, transportation, telegraph or express business transacted in this State, and in arriving at the gross earnings of any express, palace car or sleeping car company, or freight line, there shall be first deducted the expenses paid to any common carrier for transportation upon such business within this State. Nothing in this section contained shall be held to apply to any street surface railroad company.

Tax on railroad, canal, steamboat and other companies.

Rate of.

§ 7. The tax imposed under section six of this act shall be paid semi-annually, upon the first days of February and August of each year, the first payment to be made on the first day of August, A. D. eighteen hundred and eighty, and for the purpose of ascertaining the amount of the same, it shall be the duty of the treasurer, or other proper officer of the corporations, joint-stock companies or associations therein referred to, to transmit to the comptroller a statement, under oath or affirmation, of the amount of the gross receipts of the said associations, corporations or joint-stock companies derived from all sources during the preceding six months, and if any such corporation, joint-stock company or association shall neglect or refuse, for a period of thirty days after such tax becomes due, to make returns or to pay the same, the amount thereof, with the addition of ten per centum thereto, shall be collected for the use of the State as other taxes are recoverable by law, from such corporation, joint-stock company or association.

Tax under sec 6 to be paid semi-annually.

Treasurer to transmit to comptroller statement under oath.

§ 8. The lands and real estate of the various corporations, joint-stock companies and associations mentioned in this act shall continue to be assessed and taxed where situated, but the capital stock and personal property of said corporations, joint-stock companies and associations shall hereafter be exempt from assessment or taxation, except as in this act prescribed, and no tax on gross receipts, except as in this statute authorized, shall be imposed or charged against any street horse-railroad company.

Lands and real estate to be taxed as heretofore, but capital stock to be exempt.

§ 9. The taxes imposed by this act, and the revenue derived therefrom shall be applicable to the payment of the ordinary and current expenses of the State, and if any corporation, joint-stock company or association shall neglect or refuse to pay any tax by this act required to be paid, the same may be sued for in the name of the people of the State, and recovered in any court of competent jurisdiction, in an action to be brought by the attorney-general at the instance of the comptroller.

Taxes to be applied to ordinary expenses of the State.

§ 10. This act shall take effect immediately.

CHAP. 544.

New York City AN ACT providing for the appointment of an additional number of commissioners of deeds in the city of New York.

PASSED June 2, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commissioners of deeds.

SECTION 1. The common council of the city of New York are hereby authorized and empowered to appoint, in addition to the number now prescribed by law, five hundred commissioners of deeds in and for said city.

§ 2. This act shall take effect immediately.

CHAP. 546.

Military Code.

AN ACT to provide for the revision, amendment and consolidation of the act entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled 'the Military Code,'" and all acts amendatory thereof and supplemental thereto, or relating to the organization and government of the militia of the State.

PASSED June 4, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Governor to appoint commissioners to revise military code.

SECTION 1. The governor is hereby authorized and empowered, within three weeks after the passage of this act, to appoint three commissioned officers of the national guard of the State of New York, one of whom shall be a counselor-at-law of the supreme court, of at least ten years' standing, as commissioners, who, with the adjutant-general, inspector-general and chief of ordnance, shall revise, amend and consolidate the act entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled 'the Military Code,'" and all acts amendatory thereof and supplemental thereto, or relating to the organization and government of the militia of the State.

Revision to be in form of one act and reported to legislature. Compensation.

§ 2. The revision, amendments and consolidation so made by said commissioners shall be prepared in form and included in one act, and the same shall be by them reported to the legislature between the first and fifteenth days of January, eighteen hundred and eighty-one.

§ 3. The three commissioners, other than the adjutant-general, inspector-general and chief of ordnance, shall each receive, as compensation for his services, the sum of five hundred dollars. The reasonable expense of clerical service and other incidental matters, not to exceed one thousand dollars, shall also be paid to them. The aforesaid several sums shall be paid by the comptroller, on the certificate of the adjutant-general, out of any money in the treasury not otherwise appropriated.

§ 4. In case the said three commissioners, other than the adjutant-general, inspector-general and chief of ordnance, or any of them, shall die, resign from said commission, or remove from the State before the completion of the duties assigned to them, it shall be the duty of the governor forthwith to appoint others, or another, in their or his stead, who shall have the like powers as aforesaid, and be entitled to a compensation which shall be proportionately equal to that which is allowed by this act to the said commissioners; but the compensation of the original appointee, and of his successor or successors, shall not exceed in all the sum of five hundred dollars.

Governor to appoint others in case of death or resignation.

§ 5. This act shall take effect immediately.

CHAP. 547.

AN ACT to amend chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled 'the military code.'"

Enrollment of the militia.

PASSED June 4, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled 'the military code,'" is hereby amended so as to read as follows:

Sec. 8, ch. 80, Laws of 1870, amended.

§ 8. The national guard of the State of New York shall consist of the present uniformed militia, and such volunteers as shall enroll themselves or enlist therein, and shall be organized in such number of divisions, brigades, regiments, battalions, troops, batteries and companies, and of such arms of the service as the commander-in-chief may determine and designate. The present divisions, brigades, regiments, battalions, troops, batteries and companies shall remain as now established, subject, however, to the power of the commander-in-chief to alter, divide, consolidate, transfer or disband the same; provided that the aggregate force of the same, in time of peace, fully armed, uniformed and equipped, shall not exceed the number of twenty thousand non-commissioned officers, musicians (exclusive of musicians organized into bands not enlisted) and privates; but the commander-in-chief shall have power, in case of war, insurrection, or invasion, or imminent danger thereof, to increase the force beyond the said twenty thousand, and organize the same as the exigencies of the service may require.

National guard, of whom to consist.

Divisions, brigades, etc.

§ 2. Section thirteen of said act is hereby amended so as to read as follows:

§ 13. Volunteers may be received and enlisted in any troop, battery or company, and they shall be enlisted in the first instance for a term of five years, and, on the expiration of that term, they may be re-enlisted, either immediately or at any time thereafter, for terms of one or more years, at the option of the volunteer; and the same privileges of re-enlistment shall be accorded to all persons who have been honorably discharged from the army or navy or volunteer force of the United

Volunteers may be enlisted.

States; but no person above the age of forty-five years shall be enlisted, and no person under the age of twenty-one years shall be enlisted without the consent of his parent or guardian; and no non-commissioned officer, musician or private shall leave one troop, battery or company to join another, unless as hereinafter provided; provided, however, that non-commissioned officers, musicians and privates who have changed their residence from one division district to another division district may enlist in a troop, battery or company of the division district into which they have removed, and in that case they shall be dropped from the rolls of the troop, battery or company in which they were serving, and a certificate of their time of service therein shall be furnished to them; and, in case of re-enlistment, the whole time of service in both troops, batteries or companies shall be computed and allowed in determining the question of discharge after five years' service. On their own application enlisted men (non-commissioned officers being first reduced to the ranks) may be transferred from one company to another in the same regiment or battalion by the commanding officer of the regiment or battalion, and from one troop, battery or separate company to another, or to any other organization of any regiment or battalion by the commanding officer of the division or brigade to which such troop, battery or separate company is attached. If the transfer be from one regiment or battalion to another in the same brigade, it must be ordered by the commanding officer of the brigade. If from brigade to brigade, in the same division, by the commanding officer of the division. If from division to division by the commander-in-chief. In cities or villages, where there are no regimental or battalion organizations of infantry, separate companies of that arm of the service may be organized, to be attached to brigades or divisions; and all the provisions of the military code relating to separate troops or batteries shall apply to such separate companies of infantry, except as herein otherwise provided.

Transfers.

§ 3. Section sixty-seven of said act is hereby amended so as to read as follows:

Officers to be appointed by commanders of regiments, etc.

§ 67. Sergeant-majors, quartermaster-sergeants, commissary-sergeants, ordnance-sergeants, hospital stewards, drum-majors, band leaders, sergeant standard bearers and general guides shall be appointed by the commanding officer of the regiment or battalion to which they belong, by warrant under the hand of such commanding officer, and shall hold their offices during his pleasure; provided, however, that before such appointment they shall have been duly enlisted in the national guard of this State, and each person so appointed shall be a member of some company of the regiment or battalion at the time of his appointment, excepting in the case of hospital stewards, drum-majors and band leaders who may be civilians, but who, during the term of their appointment, shall be subject to the laws governing the national guard.

§ 4. Section sixty-eight of said act is hereby amended so as to read as follows:

Officers to be elected by members of companies, etc.

§ 68. Except as otherwise provided in this act, captains, lieutenants and non-commissioned officers of troops, batteries and companies shall be chosen by the written or printed votes of the members of troops, batteries or companies, respectively; provided that quartermaster-sergeants of such troops, batteries and companies shall, subject to the provisions of section ninety-two of this act, be appointed by the commanders of such troops, batteries and companies, respectively. Field officers of regiments or battalions by the written or printed votes of

the field officers and the commissioned troop, battery or company officers of their respective regiments or battalions, and brigadier-generals by the written or printed votes of the field officers and the commandants of the separate troops, batteries or companies of infantry of their respective brigades.

By field officers, etc.

§ 5. Section ninety-two of said act is hereby amended so as to read as follows:

§ 92. Such election for non-commissioned officers shall be directed and conducted by the commanding officer of such troop, battery or company for the time being, who shall certify the names of the persons elected, and also of those appointed by him, to the commanding officer of the regiment or battalion to which the troop, battery or company belongs; or in the case of a separate troop, battery or company, to the commandant of the division or brigade to which such separate troop, battery or company is attached, and such regimental or battalion commanding officer, or division or brigade commandant, as the case may be, shall decide upon the legality of the election, and shall issue warrants to the persons duly elected or appointed. But before issuing such warrants the commandant of the regiment or battalion to which the troop, battery or company belongs, or in the case of a separate troop, battery or company, the commandant of the brigade or division to which it is attached, shall require the persons so elected or appointed to be examined with respect to their qualifications and fitness to fill the offices to which they have been so elected or appointed, by a board of examiners consisting of three commissioned officers to be appointed by the commandant of the regiment, battalion, brigade or division, as the case may be, respectively; and if, on the report of such board of examiners, the commandant of the regiment, battalion, brigade or division, as the case may be, shall adjudge the person so elected or appointed unqualified for the office another person shall, within ten days after due notice of such adverse decision, be elected or appointed; and in default of such election the vacancy shall be filled by the commandant of the regiment, battalion, brigade or division, as the case may be.

Elections for non-commissioned officers.

Examination of persons elected before warrants of appointment issue.

§ 6. Section one hundred and six of said act is hereby amended so as to read as follows:

§ 106. The commanding officer of each regiment or battalion may, in his discretion, enlist a band of musicians, not exceeding twenty-five in number, and by warrant, under his hand, may appoint a leader of such band with the rank of sergeant.

Musicians.

§ 7. Section one hundred and seven of said act is hereby amended so as to read as follows:

§ 107. Such musicians shall be subject to the orders of such leader, and be under the command of the commanding officer of the regiment or battalion; and the whole or any part of said band may be required by such commanding officer to appear at any meeting of the officers for military purposes, or at any parade of such regiment or battalion.

To be under command of commanding officer.

§ 8. Section one hundred and twenty-one of said act is hereby amended so as to read as follows:

§ 121. The expense of erecting or renting such armories and for providing the necessary camp stools, apparatus and fixtures for heating and lighting, and the fuel and gas or oil for the same, and water-closets in such building, and for properly preserving from injury the arms, equipments, uniforms and records stored therein, by the construction of suitable lockers, closets, gun-racks and cases for uniforms, equipments, arms and records, and for the maintenance thereof in good and

Expense of armories to be a county charge.

safe repair, shall be a portion of the county charges of such county, and shall be levied, collected and paid in the same manner as other county charges are levied, collected and paid. But no moneys shall be appropriated, or expense incurred for furnishing or decorating any building erected or rented under the provisions of this act. And no moneys shall be appropriated or expense incurred, to be paid out of moneys thus levied and collected, except for the erecting or renting of such armories, unless the necessity of such expenditure shall have been examined into by the auditing boards of the commands, and certified to as necessary by the respective presidents thereof, who shall report to the adjutant-general annually in December, on or before the fifteenth day thereof, a recapitulation of the expenses thus incurred.

§ 9. Section one hundred and thirty of said act is hereby amended so as to read as follows:

**Annual
muster.**

§ 130. An annual muster of all general and staff officers, and of all organizations of the national guard, shall be made at such time and place between the first day of May and the first day of November as the commander-in-chief shall order and direct. No person shall be mustered at the annual muster, or be permitted in the ranks on any parade or drill required by this act, who does not appear uniformed, armed and equipped suitably to the troop, battery or company to which he belongs, and according to the provisions of this act; and all members of the national guard who shall appear without such suitable uniform, arms and equipments at any parade or drill required by this act shall be returned as absent and fined accordingly. Such muster shall be made by the inspector-general, assistant inspector-general, or an acting assistant inspector-general, of each commissioned and non-commissioned officer, musician (exclusive of musicians composing bands not enlisted), and private present and absent, and three muster-rolls shall be officially certified to by such inspector, in accordance with such regulations and restrictions as may be prescribed by the commander-in-chief. And the said inspector shall, within fifteen days after the day of muster, file one of the said muster-rolls in the office of the adjutant-general, and one with the commandant of the troop, battery or company, and retain one himself.

**By whom
to be
made.**

§ 10. Section one hundred and thirty-four of said act is hereby amended so as to read as follows:

**Not to
parade on
day of
election
nor within
five days
thereof,
except in
case
of insur-
rection,
etc.**

§ 134. No parade or rendezvous of the national guard shall be ordered on any day during which a general or special election shall be held, nor within five days previous to such election, except in case of riot, invasion or insurrection, or of imminent danger thereof; and if any officer shall order any such parade or rendezvous, he shall forfeit and pay to the people of this State the sum of five hundred dollars, provided that a court-martial or court of inquiry shall not be deemed a rendezvous of the national guard.

§ 11. Section one hundred and forty-nine of said act is hereby amended so as to read as follows:

**Muster
rolls.**

§ 149. It shall be the duty of the commandants of troops, batteries or companies, twenty days prior to the annual muster and inspection, to furnish the inspector-general with three copies of a muster-roll, which will show the names and rank or grade of all the officers, non-commissioned officers, musicians and privates belonging to such troop, battery or company, upon such form as may be prescribed by the commander-in-chief.

§ 12. Section one hundred and fifty of said act is hereby amended so as to read as follows:

§ 150. It shall be the duty of each commandant of a regiment or battalion, twenty days prior to the annual muster, to furnish the inspector-general with three copies of a muster-roll and inspection return of the field and staff officers, and non-commissioned staff officers and enlisted bands of said regiment or battalion, and each general officer shall furnish like rolls of his staff officers within the said time; and the inspector shall, within fifteen days after the day of muster, file one of the muster-rolls in the office of the adjutant-general, and one with the officer who furnished the rolls.

Id. of
field and
staff, etc.

§ 13. Section one hundred and sixty-six of said act is hereby amended so as to read as follows:

§ 166. Battery, troop or company commanders, respectively, may appoint from the enlisted men of their commands, for the discharge of the usual clerical duty incident thereto, a suitable person as clerk, to whom there shall be paid annually out of the respective regimental, battalion, battery, troop or company funds provided by section one hundred and seventy-eight of this act, the sum of fifty dollars, to be paid in the same manner as other accounts are paid from such funds.

Clerk for
company,
troop or
battery.

§ 14. Section one hundred and seventy-eight, of said act, is hereby amended so as to read as follows:

§ 178. The comptroller shall annually draw his warrant upon the treasurer in favor of the county treasurer of each county for the sum of one thousand five hundred dollars for each regiment, and the sum of one thousand dollars for each battalion, and the sum of one thousand dollars for each separate mounted battery, and the sum of two hundred dollars for each separate battery not mounted, and the sum of six hundred dollars for each separate troop of cavalry, and the sum of five hundred dollars for each separate company of infantry, certified by the adjutant-general to be organized according to the provisions of this act, within the county, or in case any regiment, battalion or separate troop, battery or company of infantry is organized in two or more counties, then the comptroller shall draw his warrant in favor of such county treasurer as the adjutant-general may in his certificate direct; which sums, and also those paid in like manner by the State, in lieu of furnishing uniforms and equipments, as provided in section one hundred and thirteen of this act, together with the fines collected from delinquent officers, non-commissioned officers, musicians and privates, shall constitute the military fund of such regiment, battalion or separate troop, battery or company of infantry.

Comp-
troller
annually
to draw
warrant on
treasurer.
Amounts.

§ 15. Section one hundred and eighty-three of said act is hereby amended so as to read as follows:

§ 183. The commander-in-chief is empowered to prescribe such rules and regulations as he may deem necessary to secure a proper disposition of, and accountability for, the regimental, battalion and separate troop, battery or company funds. And no part of such funds shall be expended for any purpose whatever, unless under the express sanction and approval of the presidents of the auditing boards respectively, and so certified upon the abstract of accounts thereof. And on the approval of the commander-in-chief, accounts for clerk hire and other necessary expenses at head-quarters of divisions and brigades, when audited by the adjutant-general, shall be paid from the general fund of the State appropriated for military purposes; provided, however, that the amount of such accounts in any one year shall not exceed the sum of one thousand dollars for a division, and five hundred dollars for a brigade.

Rules,
etc., for
preserva-
tion of
company
funds.

§ 16. Section one hundred and eighty-four of said act is hereby amended so as to read as follows:

Courts of inquiry.

§ 184. Courts of inquiry, to consist of one officer of at least equal grade with the officer, or with the senior officer, if there be more than one, in relation to whom the court is constituted, may be ordered by the commander-in-chief, or by the commanding officer of a division, in relation to those officers for whose trial they are authorized to appoint courts-martial for the purpose of investigating the conduct of any officer or officers, either by his or their own solicitation or on a complaint or charge of improper conduct degrading to the character of an officer, or for the purpose of settling rank or for investigating any facts made the subject of military complaint.

§ 17. Section one hundred and ninety-six of said act is hereby amended so as to read as follows:

Regimental and battalion courts-martial.

§ 196. For the trial of delinquent non-commissioned officers, musicians and privates the commandant of each regiment or battalion may at any time appoint a regimental or battalion court-martial in his command, to consist of an officer in his command whose grade is not below that of captain; and in the case of a separate regiment, battalion, troop, battery or company attached to a division or brigade the court shall be appointed by the commandant of the division or brigade to which such separate regiment, battalion, troop, battery or company is attached. For offenses on charges and specifications the commandant of each brigade may at any time appoint a court-martial for the trial of non-commissioned officers, musicians and privates belonging to any regiment or battalion in his brigade, or to any separate troop, battery or company attached to the same, to consist of three officers in his brigade not below the grade of captain; in the case of a separate troop, battery or company attached to a division, the court shall be appointed by the commandant of the division to which such separate troop, battery or company is attached. No person shall be brought to trial on charges and specifications unless the same shall have been approved by the officer ordering the court, and a copy thereof certified by said officer shall have been served upon the party charged at least five days before the trial of the party so charged, and the court may adjourn to permit of such service.

§ 18. Section one hundred and ninety-seven of said act is hereby amended so as to read as follows:

Time and place of holding courts, etc.

§ 197. The officers appointing said courts shall fix the time and place of convening the same, and the appointment of said courts shall be published in orders at least ten days previous to the convening thereof. When convened the court may adjourn, from time to time, as shall become necessary for the transaction of business; but the whole session of a court composed of one officer, from the day on which it shall convene until its dissolution, shall not exceed three weeks; and in case any vacancy shall happen in the court, or a new court shall be required, the officer ordering the court, or his successor in command, may fill such vacancy or order a new court.

§ 19. Section one hundred and ninety-eight of said act is hereby amended so as to read as follows:

Oath to be taken by members of courts.

§ 198. The officers constituting such courts shall, before they enter on their duties as such, take the following oath: "I, _____, do swear (or affirm) that I will well and truly try and determine, according to evidence, all matters between the people of the State of New York and any person or persons who shall come before the court to which I have been appointed;" and such oath shall be taken by him before

a judge of some court of record in this State, a justice of the peace of the county in which he resides, a field officer or the commandant of the division or brigade to which he belongs, and it shall be the duty of such persons to administer the oath, without fee or reward.

§ 20. Section one hundred and ninety-nine of said act is hereby amended so as to read as follows :

§ 199. The president of each of such courts shall direct a non-commissioned officer, or other fit person or persons, to be by him designated, to summon all delinquents and parties accused to appear before the court, at a time and place to be by him appointed, which service shall be personal, or by leaving such summons for such delinquents and parties accused, as provided in section one hundred and forty-two of this act.

Summons
to delin-
quents.

§ 21. Section two hundred and one of said act is hereby amended so as to read as follows :

§ 201. The court, consisting of one officer, when organized shall have the trial of all delinquencies and deficiencies that occur in the regiment, battalion, separate troop, battery or company for which it shall have been appointed, and the court, composed of three officers, when organized, shall have the trial of all offenses other than delinquencies and deficiencies, that occur in any regiment or battalion in the brigade for which it shall have been appointed, and, also, of all that occur in the separate troops, batteries or companies attached to the same brigade ; and in case the court is ordered by the division commander, then of all offenses other than delinquencies and deficiencies that occur in the separate troops, batteries or companies attached to the division, and the said courts shall have power to impose and direct to be levied all the fines or penalties to which non-commissioned officers, musicians or privates are declared to be subject by the provisions of this act. But in case written charges shall have been preferred against any non-commissioned officer, musician or private in the regiment or battalion, separate troops or batteries or companies, for the trial of offenders, in which the court shall have been ordered, said court shall not have jurisdiction thereof unless the same shall have been approved by the officer ordering the court, and a copy of such charges, certified by said officer, shall have been served upon the party charged, at least five days before the trial of the party so charged, and the court may adjourn to permit of such service.

Jurisdic-
tion of
courts.

§ 22. Section two hundred and three of said act is hereby amended so as to read as follows :

§ 203. No compensation whatever shall be allowed to the officers constituting said courts for the trial of delinquencies.

Compensa-
tion of
members
of courts.

1. There shall be allowed and paid out of the military fund of the regiment, battalion, separate troop, battery or company for which the court shall have been ordered, on the certificate of the president, to the president and members of such courts, composed of three officers, a sum equal to one day's pay for field duty for each day they may be actually employed in holding the court or engaged in the business thereof, or in traveling to and from the court, in accordance with the provisions of section one hundred and sixty-five of this act, and their actual traveling expenses ; provided that any and all allowances shall not exceed for each the field pay respectively for the period of three weeks, and to the non-commissioned officer or other person who shall have summoned offenders to appear before the court, two dollars for each day he may have been necessarily so employed, and the same sum for each day of his attendance on the court, the same to be paid in

like manner with other military accounts; provided, however, that in the case of courts composed of one officer, for the trial of delinquencies and deficiencies, the same shall be paid out of the military fund of the regiment, battalion, separate troop, battery or company for which the court shall have been ordered.

Fees for
collection of
fines.

2. Each officer, to whom a warrant for the collection of fines may be directed, shall be entitled to the same fees, and be subject to the same penalties for any neglect, as are allowed and provided for executions issued out of justices' courts.

Fees of
sheriff,
etc.

3. For all other services and commitments under this act, the sheriff, jailer and constables executing the same shall be entitled to the like fees as for similar services in civil cases.

§ 23. Section two hundred and four of said act is hereby amended so as to read as follows:

Fines to be
paid into
county
treasury.

§ 204. All fines and penalties imposed by any court-martial convened in pursuance of the preceding section shall be paid, by the officer collecting the same, into the treasury of the county within which the regiment, battalion, separate troop, battery or company is located, within thirty days after the collection thereof, and shall belong to the military fund of the regiment, battalion, separate troop, battery or company of which the persons paying the fines or penalties are members; and the treasurer of said county shall thereupon report the amount thereof, designating the organization to which it belongs, to the adjutant-general of the State.

§ 24. Section two hundred and seven of said act is hereby amended so as to read as follows:

Fines and
penalties.

§ 207. Every commissioned officer and every non-commissioned officer, musician and private shall, on due conviction, be subject, for the following offenses, to the fines and penalties thereto annexed.

1. Every commissioned officer, for non-attendance at any drill, parade or encampment, and every such officer, non-commissioned officer, musician or private, neglecting or refusing to obey the orders of his superior officer on any day of drill, parade or encampment, or to perform such military duty or exercise as may be required, or departing from his colors, post or guard, or leaving his place or ranks without permission, or making a false entry upon a muster-roll, or knowingly muster as a soldier a substitute or a person who is not a regularly enlisted soldier in and a member of his command, or making a false entry upon a score blank or return of rifle practice, or knowingly permitting a substitute to shoot in the name of a member of his command, or refusing or neglecting to grant the discharge provided for in section two hundred and fifty-four of this act, a fine of not more than one hundred, nor less than five dollars.

2.

2. Every non-commissioned officer, musician and private, for non-appearance, when duly warned or summoned at a troop, battery or company parade, a fine of two dollars for each day; and in case of a troop parading mounted, a fine of six dollars for each day; at a regimental or battalion parade, drill or encampment, not less than one nor more than six dollars for each day; and at a place of rendezvous when called into actual service, in case of war, insurrection or invasion, or imminent danger thereof, a sum not exceeding twelve months' pay, nor less than one month's pay; and for disobedience of orders, or any conduct to the prejudice of good order and military discipline, whether by language or act, committed in uniform, or committed while going to or returning from, or while present at any lawful assembling of the regiment, battalion, separate company, troop, battery or band to which

such non-commissioned officer, musician or private belongs, whether he be in uniform or not at the time of the commission of the offense, or for conduct on or off duty which shall tend to create insubordination amongst the members of the national guard, a fine not exceeding fifty dollars; and, also, in the discretion of the court, the offender shall be liable to expulsion from the command to which he belongs.

3. Every commissioned officer or non-commissioned officer or enlisted man for neglecting or refusing to obey any order or warrant to him lawfully given or directed, or to make a proper return thereof, if such return be necessary, or making a false return, or neglecting or refusing, when required, to summon a delinquent before a court-martial, or duly to return such summons, a fine of not more than one hundred nor less than five dollars.

§ 25. Section two hundred and fourteen of said act is hereby amended so as to read as follows:

§ 214. For the purpose of collecting any fines or penalties imposed by any court-martial authorized by this act, the president of the court shall, within fifteen days after the expiration of the time in which an appeal is allowed as provided in section two hundred and two of this act (fines or penalties having been approved) make a list of all the persons fined, describing them distinctly, and showing the sums imposed as fines or penalties on each person, and shall draw his warrant, under his official signature, directed to any marshal of the court, or to the sheriff or constable of any city or county (as the case may be), thereby commanding him to levy such fine or penalties, together with the costs, on the goods and chattels of such delinquents; and, in default of such sufficient goods and chattels to satisfy the same, then to take the body of such delinquent and convey him to the common jail of such city or county, whose jailer shall keep the said delinquent closely confined, without bail or mainprize, for two days, for any fine or penalty not exceeding two dollars, and two additional days for every dollar above that sum, unless the fine or penalty, together with the costs and the jailer's fees, be sooner paid; but no such imprisonment shall extend beyond the period of twenty days; provided, however, that the prisoner may be liberated at any time by order of the commandant of the brigade to which he belongs; and in case of a prisoner belonging to a separate troop, battery or company attached to a division or brigade, then by order of the commandant of the division or brigade. No property shall be exempt from the payment of such fines or penalties.

Warrant for the collection of fines.

Imprisonment for failure to pay.

§ 26. Section two hundred and thirty-five of said act is hereby amended so as to read as follows:

§ 235. The chiefs of each division and brigade staff, and the adjutants of regiments or battalions, and the commandants of separate troops, batteries or companies shall, on or before the fifteenth day of January in each year, return to the commandants of such division and brigade, respectively, the names of all commissioned officers absent from any parade, encampment, drill or meeting for instruction during the preceding year. Within ten days after the receipt of such returns, the respective commandants of divisions or brigades, as the case may be, shall order courts-martial for the trial of such officers for such delinquencies, which courts-martial shall consist of three officers, and be ordered, if for the trial of officers above the rank of captain, by the commandant of the division, and for the trial of all other officers, by the commandant of the brigade; provided, however, that the services of a judge-advocate

Return of delinquent commissioned officers.

Courts-martial for trial of.

Proviso as to grade of members of the court.

Proceedings to be transmitted to adjutant-general.

Term of service.

Exempt from jury duty.

Discharges only to be granted for physical disability.

Proviso.

shall not be required at any court-martial appointed under the provisions of this section; and also further provided, that in all cases no member of the court shall be of less grade than the delinquent, and that for the trial of officers of any regiment, or separate troop, battery or company attached to a division, the court shall be ordered by the commandant of the division, and for the trial of officers of any separate troop, battery or company attached to a brigade, the court shall be ordered by the commandant of the brigade. It shall not be necessary to cause the arrest of such absentee, nor to serve any charges, unless in the discretion of the officer ordering the court, it may be deemed proper; but the delinquent may be fined, pursuant to the provisions of this act, provided he shall have appeared before the court without objection, or notice of the return and of the time appointed for holding the court-martial shall have been delivered to him, or left at his dwelling-house, store, counting-house, or usual place of business, at least ten days before the assembling of said court. The proceedings and sentences of such court-martial, with the order of the officer ordering the court, approving or disapproving the same, shall be transmitted to the adjutant-general without delay.

§ 27. Section two hundred and fifty-three of said act is hereby amended so as to read as follows:

§ 253. Every non-commissioned officer, musician and private of the national guard originally enlisting, shall be held to duty therein for the term of five years; and in case of re-enlisting, for the term for which he re-enlists, unless disability after enlistment shall incapacitate him to perform such duty, and he shall be regularly discharged in consequence thereof by the commandant of his regiment, battalion, separate troop, battery or company; provided, however, that every such non-commissioned officer, musician and private shall continue* held to duty, and shall retain his rank and be eligible to promotion, after the expiration of his term of enlistment or re-enlistment, so long as he or the commandant of his troop, battery or company omits to apply for his discharge, as provided in the next succeeding section; and on such application being made, his discharge shall not be granted until the expiration of three months from the date of the application, except when the application is made by the commandant of his troop, battery or company, in which case the discharge may be granted immediately; and also, further provided, that every non-commissioned officer, musician and private who enlists prior to the first day of May, eighteen hundred and seventy-five, shall serve the whole length of the term for which he enlisted. Every commissioned officer, and every non-commissioned officer, musician and private of the national guard shall be exempt from jury duty during the time he shall perform military service; and every such person who shall have so served five or more years, and been honorably discharged, shall forever after be exempt from jury duty. Except as herein otherwise provided, no non-commissioned officer, musician or private of the national guard shall be discharged from service, except for physical disability or expiration of term of enlistment. Discharges for physical disability shall be granted only upon the certificate of the regimental or battalion surgeon, and in the case of a separate troop, battery or company, of the surgeon of the division or brigade to which such separate troop, battery or company is attached; always provided, however, that the commandant of each division may, for sufficient reasons, and in his discretion, discharge enlisted men in his division, at any time, upon the recommendation of the commandant of the

* So in the original.

troop, battery or company, with the approval of the commandant of the regiment or battalion and of the brigade to which they belong; and in the case of a separate troop, battery or company attached to a brigade, upon the recommendation of the commandant of such separate troop, battery or company, with the approval of the commandant of the brigade; and in the case of a regiment, separate troop, battery or company attached to a division, upon the recommendation of the commandant of such regiment, separate troop, battery or company; but no enlisted man shall be discharged from service unless he produces the certificate of his immediate commanding officer that he has turned over or satisfactorily accounted for all property issued to him. Commanding officers of divisions, brigades, regiments and battalions, and of separate troops, batteries or companies, shall make returns to the adjutant-general on the last days of March, June, September and December, in each year, of all changes in their commands during the previous three months, giving the names and grades of the persons discharged and the cause thereof, and also of those gained by enlistment.

Returns of
discharges,
etc., to be
made to
adjutant-
general.

§ 28. Section two hundred and sixty-three of said act is hereby amended so as to read as follows:

§ 263. For violations of the by-laws, rules and regulations provided in the last preceding section, the non-commissioned officer, musician or private offending may be expelled from the troop, battery or company to which he belongs by the vote of a majority of all its members; and upon such action of the troop, battery or company being confirmed in orders by the commandant of the regiment or battalion; and in case of a separate troop, battery or company, by the commandant of the brigade or division to which such separate troop, battery or company is attached, the name of such person shall be stricken from the roll of such troop, battery or company, his certificate of membership shall be surrendered and canceled, and he shall cease to be a member of such troop, battery or company; and his time of service in said troop, battery or company shall not be allowed under the provisions of this act; or whenever a member of any troop, battery or company shall have moved beyond the bounds of the State, or having been absent without leave and having been returned to court-martial and fined by sentence thereof, and such sentence cannot be enforced for reason of inability to find such member, and such sentence having been promulgated at least three months, the commandant of the troop, battery or company shall report the names of such members and the causes therefor to the commandant of the regiment or battalion; or in case of separate troop, battery or company, to the commandant of the brigade or division to which it is attached. Upon the return of such report bearing the approval of the officer to whom it was made, the commandant of the troop, battery or company is authorized to drop such names from his company roll. Members so dropped may be taken up by the commandant of the troop, battery or company, by order of the commandant of the division, brigade, regiment or battalion to which it is attached, upon evidence that such members have resumed their residence in the State, or have voluntarily returned to duty and paid all fines and penalties due, or have been arrested and the sentence of court-martial enforced, and in such cases their names shall be again entered upon the rolls.

For viola-
tions of
by-laws,
etc., mem-
bers may
be ex-
pelled.

When
members
may be
dropped
from roll.

§ 29. This act shall take effect immediately.

Ante, vol. 7, pp. 592-651.

CHAP. 550.

New York City. AN ACT relating to certain assessments for local improvements in the city of New York.

PASSED June 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

**Assess-
ments may
be vacated.**

SECTION 1. Any assessment for any local improvement in the city of New York heretofore confirmed by the board for the revision and correction of assessments in said city, and, also, any assessment for any local improvement heretofore completed which may be hereafter confirmed by said board, and any assessment for the local improvements known as Morningside avenues, when confirmed by said board, may be vacated, modified, set aside, revised or confirmed in conformity with the provisions hereinafter contained and not otherwise. All officers charged with any duty connected with the imposition or confirmation of assessments for local improvements in the city of New York are hereby directed so to perform such duty that assessments for all local improvements heretofore completed shall be finally passed upon by the board for the revision and correction of assessments pursuant to the provisions of law relating to assessments in said city within six months after the passage of this act. Any assessment for the local improvements known as Morningside avenues shall be finally acted upon by such board for the revision and correction of assessments within three months after the completion of the same.

**Duty of
officers.**

**Jurisdic-
tion of
commis-
sioners.**

Notice.

**To be filed.
When.**

§ 2. The commissioners hereinafter designated and named, or a majority of them, shall, for the purposes of this act, have jurisdiction to revise, vacate or modify any of the assessments aforesaid, when the owner or owners of the real estate affected by such assessment, or other party or parties affected thereby shall have filed with the comptroller of said city a notice specifying the particular assessment complained of, the date of the confirmation of the same, the property of such owner or party affected, and in a brief and concise manner the objections thereto, showing, or tending to show, that the assessment was unfair or unjust in respect to said real estate. Such notice must be filed with the said comptroller and a duplicate thereof with the counsel to the corporation, as follows:

1. As to all assessments heretofore confirmed, on or before the first day of November, eighteen hundred and eighty.

2. As to all assessments hereafter confirmed for local improvements heretofore completed, and as to any assessment for the local improvements known as Morningside avenues, within two months after the dates upon which such assessments may be respectively confirmed.

**Commis-
sioners to
inquire
into facts,
etc.**

**May revise,
modify or
vacate un-
just assess-
ments and
award
relief.**

Quorum.

**Summons
to wit-
nesses.**

§ 3. It shall be the duty of said commissioners, or a majority of them, to inquire into the facts and circumstances relating to any assessments to which objections may be made and the notice filed as aforesaid, and to hear the evidence in support of such objections or in opposition thereto, and on every such inquiry and hearing to administer oaths or affirmations to all persons testifying, and after duly considering the evidence, to determine whether substantial injustice was caused by the confirmation of such assessments or otherwise; and any assessments as to which the said commissioners, upon such inquiry, may determine that substantial injustice has been caused by the confirmation of the same or otherwise, may be revised, modified or vacated by the said commissioners, and they may award such relief to the respective parties filing such applications as shall be, under the circumstances and on the evidence presented, just and equitable; and they shall, in determining such relief, consider the fair value of the work done, for which the assessment is imposed, and the amount of benefits conferred over and above the damages, if any, caused by the improvement. A majority of said commissioners shall constitute a quorum for the hearing of any application, and the relief granted must be concurred in by at least a majority of the commissioners. They or any person who has filed any such application, or the counsel for said city as hereinafter provided, shall have power to summon wit-

nesses and require the production of books and papers, and the attendance of witnesses, and the production of books and papers may be compelled under and pursuant to the provisions of title two of chapter nine of the Code of Civil Procedure.

§ 4. It shall be the duty of the present counsel to the corporation properly to protect, maintain and defend the interest of the city in relation to all matters before said commissioners pursuant to the provisions of this act.

Counsel to corporation to defend city.

§ 5. Edward Cooper, the present mayor, John Kelly, the present comptroller, and Allan Campbell, the present commissioner of public works of said city, together with John S. Lawrence, George H. Andrews and Daniel Lord, Junior, of said city, are hereby appointed commissioners for the purposes of this act, with power to appoint clerks and stenographers. Notice of all meetings of said commissioners given by publication in the "City Record" and the "Daily Register," in such form as they shall determine, shall be sufficient for all purposes, and such meetings shall be held as frequently as necessary for the dispatch of the duties hereby imposed upon them. All meetings, except for consultation and decision, shall be public. A minute-book shall be kept by them, or under their supervision, in which shall be entered a faithful record of all the proceedings of said commissioners, which shall be at all times open to the public for inspection, and on the final adjournment of the commissioners shall be filed in duplicate in the finance department and in the office of the clerk of the common council. The said commissioners, or a majority of them, shall have full power to determine the order and manner in which cases shall be heard, and in which evidence shall be taken; to decide all questions as to the competency, relevancy and materiality of testimony; to fix and limit the time within which evidence and argument in each case may be submitted; and generally, except as herein specifically provided, to determine and prescribe the mode and manner in which all proceedings taken before them, or under this act, shall be conducted. All evidence, whether offered on behalf of the property owners, or the city, shall be submitted before July first, eighteen hundred and eighty-one, and the decision of the commissioners, or a majority of them, in every case shall be rendered in writing on or before September thirtieth, eighteen hundred and eighty-one, on which last-mentioned day the jurisdiction and authority of said commissioners under this act shall cease except as hereinafter otherwise provided. The time for filing the notices provided by the second and eighth sections of this act, for the submission of evidence, or for the making of a decision by the commissioners, may be extended beyond the time herein specified by the supreme court in the first judicial district in such manner and upon such notice as the court may direct. In case of the death, resignation, refusal or failure to act, of any one or more of the aforesaid commissioners, then and in that case every power conferred and every duty devolved upon said commissioners shall be possessed and exercised by the remainder of said commissioners, or a majority of them, and a certificate signed and filed as herein provided, by such majority, shall be valid and effectual for every purpose of this act.

Commissioners.

Notice of meetings.

Minute book.

Manner in which cases shall be heard, etc.

Evidence to be taken before July 1, 1881.

Time for filing notices.

In case of death, etc., of commissioner, remainder to act.

Relief to be avoided.

§ 6. The said commissioners shall award such relief as in their judgment is just and equitable in view of the circumstances of each case brought before them by the notice aforesaid, and shall determine what relief, if any, is to be awarded in respect of each lot or parcel of land, and what reduction, if any, is to be allowed upon such lot or parcel, and thereupon they shall file in each case a certificate, signed by a

majority of the said commissioners, in the department of finance in said city, specifying the relief awarded by them, and upon such filing the assessment on each lot or parcel shall be revised, modified or vacated as in said certificate specified, and the amounts fixed by such certificate, with interest thereon from the date thereof, and no more, shall thereafter be the extent of the lien upon such lots or parcels in respect of such assessment.

Expenses
to be a
charge on
the city.

§ 7. The reasonable expenses of the proceedings authorized by this act, including compensation for the performance of the duties imposed thereby, shall be a charge upon the city of New York as the same may be fixed and allowed by the board of estimate and apportionment in said city, and shall be paid by the comptroller of said city; provided that no compensation shall be allowed for services rendered therein by any officer of the city of New York during his term of office. The comptroller may provide the money to pay such expenses by the issue of revenue bonds of said city, and an amount sufficient to cover said expenses and to pay such bonds shall be included in the final estimates of said city for the years eighteen hundred and eighty-one and eighteen hundred and eighty-two.

Not to
affect cer-
tain pro-
ceedings
and
actions.

§ 8. The provisions of this act shall not apply to or affect any proceeding or action now pending, or in which the time to appeal has not expired, or in which the order or judgment has not been carried into effect; or any proceeding or action which may be commenced within three months after the passage of this act, to vacate or set aside any of the assessments specified in the first section of this act heretofore confirmed, or any proceeding or action which may be commenced to vacate or set aside any of the assessments specified in the said first section, hereafter confirmed as therein provided, brought within three months after the date of such confirmation, or the relief to which any party thereto is or may be entitled in any such action or proceeding under existing laws; provided that if any such proceeding or action is dismissed or such relief refused, and it shall appear in the order dismissing or denying such application that such dismissal or denial is on account of some irregularity, technicality, informality, mistake or other omission or defect of form therein (in which cases it shall be the duty of the court to specify the same in such order), the party thereto shall be entitled to make such further or other applications as he may be advised, within twenty days after the date of an order directing such dismissal or refusal, and none of the provisions of this act shall apply to or affect such further or other application so made for the purposes aforesaid; and further provided, that if on a final decision in any such proceeding or action now pending, or which may be commenced or renewed as aforesaid, the decision or judgment therein shall be in favor of the city, the petitioner or plaintiff in such proceeding or action may obtain the benefits of this act by filing the notice provided in the second section hereof on or before the first day of May, eighteen hundred and eighty-one, and the said commissioners shall thereupon proceed as if such notice had been filed as in the second section provided.

Proviso.

Lien of
assess-
ments not
vacated,
etc., not to
be dis-
turbed.

§ 9. The lien of any assessment specified in the first section of this act, not vacated, reduced or set aside in any proceeding or action in the preceding section mentioned, or not vacated, revised or modified by the said commissioners pursuant to the provisions of this act, shall not be disturbed, modified, or vacated except in the manner and to the extent provided in the twelfth section of this act.

Awards to

§ 10. Whenever, prior to the passage of this act, any assessment for any

local improvement imposed upon any particular lot or lots has been paid in whole or in part, and the assessment for such local improvement upon any other lot or lots shall be vacated, revised or modified by the commissioners as herein authorized, it shall be the duty of said commissioners to award and adjudge to the person or persons by whom such payments have been made, their legal representatives or assigns, an amount equal to the amount of reduction to which such parties would have been entitled if they had not made such payment, the amount of which award shall be proportionately equal to the reduction upon other lots so revised or modified as aforesaid. The said commissioners shall file in the finance department certificates in each case showing the amount of such awards, and the persons to whom the same are made; and the amounts thereof respectively shall thereupon become a charge against the mayor, aldermen and commonalty of the city of New York in favor of the respective persons to whom the same shall be made as aforesaid, and shall be provided for by the issue of assessment bonds of said city. Nothing in this section contained shall be held to apply where less than one-half of the entire expenses of the improvement assessed upon all the property deemed to be benefited thereby, exclusive of such portion of the expense of the improvement imposed upon said city or its property, remained on the first day of May, eighteen hundred and eighty, a lien or apparent lien upon said property deemed to be benefited.

persons
who have
paid
assess-
ments.

Certifi-
cates of
awards to
be filed.

Section
not to
apply to
certain
assess-
ments.

§ 11. The assessments heretofore made for local improvements in said city, including assessments for improvements heretofore contracted for or authorized, shall, when collected, be paid over to the commissioners of the sinking fund of said city, and applied by them as now provided by law.

Assess-
ments to
be paid
over to
commis-
sioners of
sinking
fund.

§ 12. No existing provision of law shall enable or permit any court to vacate or reduce any assessment in fact or apparent, hereafter confirmed, whether void or voidable, on any property for any local improvement in the city of New York hereafter completed otherwise than to reduce any such assessment to the extent that the same may be shown, by parties complaining thereof, to have been in fact increased in dollars and cents by reason of fraud or substantial error; and in no event shall that proportion of any such assessment which is equivalent to the fair value of any actual local improvement, with interest from the date of confirmation, be disturbed for any cause. Nothing in this section shall apply to any assessment which may be imposed for the local improvements known as Morningside avenue.

Limitation
on power
of court on
assess-
ments.

§ 13. All proceedings to vacate or reduce assessments in the city of New York other than those specified in the first section of this act must be brought within one year after the confirmation thereof.

§ 14. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 15. None of the provisions of this act shall apply to any re-assessment hereafter made or imposed for any local improvement for which an assessment has been or shall be vacated in whole or in part.

§ 16. This act shall take effect immediately.

CHAP. 551.

AN ACT to provide for the disposition of a portion of the Chenango canal and what is called and known as the Chenango canal extension, and the lands, rights and other property connected therewith.

PASSED June 9, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of State released.	SECTION 1. Except as hereinafter provided, all the estate, right, title, interest and property which the people of this State have heretofore acquired and now have in and to all the lands and water privileges taken and appropriated for the purpose of constructing and operating the Chenango canal, and what is called and known as the Chenango canal extension, commencing at and lying south of the stone culvert in the village of Hamilton, in the county of Madison, shall revert to and is hereby granted and released to and vested in the person or persons owning the lands adjoining, to the center line of said canal, in consideration of, and upon the condition precedent that such owner or owners shall, by an instrument in writing, under their hands and seals and duly acknowledged, release and discharge the State from all obligation to maintain the bridges and other structures connected with such portions of said canal, and of said extension, and from all liability for damages arising from the abandonment thereof; whereupon they and each of them are hereby authorized and empowered to hold, grant, devise and convey the same.
Lands to vest in owners of adjoining lands.	
Condition.	
Interest of State released.	§ 2. All the estate, right, title, interest and property which the people of this State have heretofore acquired, and now have in and to the several separate portions of the lands and water privileges taken and appropriated for the purpose of constructing and operating the Chenango canal, to wit:
Description.	1. All that portion lying between the southern end of the aqueduct over the Canasawacta creek, in the village of Norwich, Chenango county, New York, the feeder at the head of the level above the lock in said village with the said feeder, feeder-dam and right of user thereof, and all the bridges, locks, aqueducts and appurtenances to said canal within said bounds.
Id.	2. All that portion of said canal lying within the corporate limits of the village of Oxford, Chenango county, New York.
Id.	3. All that portion of said canal lying within the corporate limits of the village of Greene, Chenango county, New York, with the locks, culverts, aqueducts and appurtenances to said canal within said bounds are hereby separately and severally granted, released to and vested in the said several villages of Norwich, Oxford and Greene, respectively—that is to say, the first described portion, including said feeder, feeder-dam and rights of user thereof, the locks, bridges, aqueducts and appurtenances to said canal within said bounds in the said village of Norwich, in said county of Chenango; the second described portion in the village of Oxford in said county of Chenango, and the third described portion in the village of Greene, in said county of Chenango, in fee, for hydraulic, mechanical, sanitary, fire or street purposes, or for any other purposes for which said villages may direct not inconsistent with those purposes, with the privilege additional to
To vil- lages.	

the said village of Norwich of using the water from the said feeder, and the right to repair and keep in repair the feeder-dam and canal so granted, released to and vested in said village as a conduit of water to and through the said portion of said canal. The corporate authorities of each of said several villages, respectively, shall have the exclusive control and management of the portion of the said canal herein granted, released to and vested in their and each of their said villages, respectively, and of the locks, bridges, culverts, aqueducts, embankments, dam and feeder therewith connected, and shall assume as a consideration of this grant all liability for the care and maintenance of the same, and shall protect and keep the State harmless from all damages to adjoining owners hereafter arising from the abandonment thereof. Whenever either of said portions of said canal so granted, released to and vested in each of said several villages, respectively, shall cease to be serviceable or desirable to the village to which it is granted for hydraulic, mechanical, sanitary or fire purposes, it shall be lawful for such village to convert the same or any portion thereof into streets or avenues for the benefit and development of the village, or if not desired for street purposes, to make such other disposition thereof, not inconsistent with such purpose, as such village may direct. The trustees of said several villages respectively are hereby authorized to dedicate for street purposes or to sell, convey or release any of the lands hereby granted, released to or vested in their respective villages and to give and make the necessary deeds, releases and conveyances therefor, but no such dedication, sale or release shall be made or executed except upon the consent of a majority of the electors of such villages attending and voting therefor, at a meeting or election in such villages. Such vote may be taken at an annual election in said village or at a special election called for the purpose by the trustees, but not until after two weeks' notice in two newspapers published in any such village, if so many shall be published therein, or if not, then the newspaper published therein, shall have been given of the intention to vote upon the question of a disposition of the said lands or any part thereof, which notice shall state the substance of the action proposed. The power of dedication, sale or release, however, shall not apply to this portion of the said canal hereby granted, released to and vested in the said village of Norwich as are situated north of the boundaries of the said village, but such portion shall, in case the said village at any time decides no longer to use the same for mechanical, sanitary, hydraulic or fire purposes, revert to and are hereby granted, released to and vested in the person or persons owning the land adjoining, to the center line of said canal, subject to the duty to take care of the bridges thereon, and to keep the water drained therefrom. Nor shall this power of dedication, sale or release apply to such portions of the left bank of said canal lying within the corporate limits of any of said villages and upon which storehouses and other business buildings or blocks have been erected for business purposes, but such portions thereof shall revert to and hereby are granted, released to and vested in the owner of said buildings, their heirs and assigns forever; subject, however, to the right of any of said villages to appropriate the same or any portion thereof for street purposes, if such portion shall be deemed necessary, or be desired by any of said villages for that purpose, upon compensating such owners for the expenses necessarily incurred in the removal of any such buildings therefrom.

§ 3. All the estate, right, title, interest and property which the people of this State have heretofore acquired and now have in and to all

Corporate authorities to have control.

When no longer valuable for hydraulic purposes may be converted into streets.

Trustees may dedicate it for street purposes or sell same.

Consent of a majority of electors must be obtained.

Not to apply to portion of canal.

Id.

Interest of State released.

CHAP. 553.

Manner of
conducting
elections.

AN ACT to amend title four, chapter six, part one of the Revised Statutes, entitled "of the manner of conducting elections."

PASSED June 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Sub. 1, sec.
9, art. 2,
title 4, ch.
6 of the
R. S.,
amended.

SECTION 1. Subdivision one of section nine of article two, title four, chapter six, part one of the Revised Statutes, entitled "of the manner of conducting elections," is hereby amended so as to read as follows :

Names on
ballots
indorsed
"State."

1. The names of all persons voted for by any elector at any election, in whose election all of the voters of the State have the right alike to participate, except electors of president and vice-president and chief judge and associate judges of the court of appeals, shall be upon one ballot, which ballot shall be indorsed "State." The names of all persons voted for by any elector at any election for chief judge and associate judge of the court of appeals, justices of the supreme court, county judge, separate officers to perform the duties of surrogate, local officers to perform the duties of county judge and surrogate, and all other judges or justices, except such as are elected in and for a district which comprises less than an entire county (or city whose boundaries are coterminous with those of a county), shall be upon one ballot, which ballot shall be indorsed "Judiciary." The names of the persons voted for by any elector at any election for any local office, in whose election all of the voters of a county have the right alike to participate, except representatives in congress, senators and members of assembly, shall be upon one ballot, which ballot shall be indorsed "County," but where the boundaries of a city and county shall be coterminous then all city or county officers in whose election all the voters of said city and county have the right alike to participate, except judges or justices as aforesaid, shall be upon one ballot, which ballot shall be indorsed "City and County."

"Judiciary."

"County,"
or "city
and
county."

Sec. 24,
art. 3,
amended.
Ballot
boxes.

§ 2. Section twenty-four of article three of said title is hereby amended so as to read as follows :

§ 24. At each annual and special election the inspectors shall provide and keep a box in which all ballots required to be indorsed "State" as directed in the ninth section of this title, shall be deposited; also, a box in which all ballots which are required by said ninth section to be indorsed "Judiciary," shall be deposited; also, a box in which all ballots which are required by said ninth section to be indorsed "County," or "City and County," shall be deposited; also, in the proper counties, a box in which all ballots which are required by said ninth section to be indorsed "Assembly," shall be deposited; also, a box in which all ballots which are required by said ninth section to be indorsed "Senate," shall be deposited; also, a box in which all ballots which are required by said ninth section to be indorsed "Congress," shall be deposited. At any election at which any officers are to be voted for upon ballots not otherwise in this section provided for, there shall be provided as many additional boxes as there are additional kinds of ballots required.

Acts
repealed.

§ 3. So much of chapter six hundred and seventy-five of the laws

of eighteen hundred and seventy-two, entitled "An act in relation to elections in the city and county of New York and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat," as is inconsistent with the provisions of this act, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Ante, vol. 1, pp. 126 and 129.

CHAP. 554.

AN ACT to facilitate the collection of judgments against counties, towns, cities and villages. Collection of judgments.

PASSED June 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If a final judgment for a sum of money, or directing the payment of money shall have been, or shall hereafter be recovered against any county, town, city or incorporated village within this State, and the same remains, or shall hereafter remain unpaid, and the execution thereof is not, or shall not be stayed as required by law, or if so stayed, the stay has expired, or shall hereafter expire, it shall be the duty of the board of supervisors, if the judgment is, or shall be, recovered against a county or town, or of the common council of the city, or the board of trustees of the village, if the judgment is, or shall be, recovered against a city or an incorporated village, and the said board of supervisors, common council, or board of trustees is hereby empowered to assess, levy, and cause to be collected at the same time and in like manner as other moneys for the necessary expenses of the county, town, city or village, as the case may be, are then next thereafter to be assessed, levied and collected, and in addition to the moneys now authorized by law to be assessed, levied and collected for that purpose, a sum of money sufficient to pay the said judgment with the interest thereupon, and the fees and expenses chargeable by law upon the execution, if any, issued to collect the same. The moneys so assessed and levied as soon as collected and paid to the proper receiving and disbursing officer or officers, or so much thereof as may be necessary, shall, from time to time, be paid by him or them to the judgment creditor, administrator, or assignee, or other person entitled to receive the same by reason of the said judgment, without any deduction for his or their fees or commissions.

Duty of common council, trustees, etc., to levy amount to pay final judgment.

Levy to be in addition to amount authorized by law.

Money to be paid to judgment creditor.

§ 2. No restriction or limitation imposed by law as to the sum to be raised in any year in any city or village shall apply to the moneys to be raised for the purposes specified in the last preceding section; but the said moneys shall be raised in addition to any sum so restricted or limited.

Limitation as to amount shall apply to moneys to be raised under this act.

§ 3. In the city of New York the powers and duties devolved upon the common council of a city by the first section of this act shall be exercised by the board of estimate and apportionment.

§ 4. This act shall take effect immediately.

CHAP. 553.

Manner of
conduct-
ing elec-
tions.

AN ACT to amend title four, chapter six, part one of the Revised Statutes, entitled "of the manner of conducting elections."

PASSED June 9, 1880; three-fifths being present.

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Sub. 1, sec.
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amended.

SECTION 1. Subdivision one of section nine of article two, title four, chapter six, part one of the Revised Statutes, entitled "of the manner of conducting elections," is hereby amended so as to read as follows :

Names on
ballots
indorsed
"State."

1. The names of all persons voted for by any elector at any election, in whose election all of the voters of the State have the right alike to participate, except electors of president and vice-president and chief judge and associate judges of the court of appeals, shall be upon one ballot, which ballot shall be indorsed "State." The names of all persons voted for by any elector at any election for chief judge and associate judge of the court of appeals, justices of the supreme court, county judge, separate officers to perform the duties of surrogate, local officers to perform the duties of county judge and surrogate, and all other judges or justices, except such as are elected in and for a district which comprises less than an entire county (or city whose boundaries are coterminous with those of a county), shall be upon one ballot, which ballot shall be indorsed "Judiciary." The names of the persons voted for by any elector at any election for any local office, in whose election all of the voters of a county have the right alike to participate, except representatives in congress, senators and members of assembly, shall be upon one ballot, which ballot shall be indorsed "County," but where the boundaries of a city and county shall be coterminous then all city or county officers in whose election all the voters of said city and county have the right alike to participate, except judges or justices as aforesaid, shall be upon one ballot, which ballot shall be indorsed "City and County."

"Judiciary."

"County,"
or "city
and
county."

Sec. 24,
art. 3,
amended.
Ballot
boxes.

§ 2. Section twenty-four of article three of said title is hereby amended so as to read as follows :

§ 24. At each annual and special election the inspectors shall provide and keep a box in which all ballots required to be indorsed "State" as directed in the ninth section of this title, shall be deposited ; also, a box in which all ballots which are required by said ninth section to be indorsed "Judiciary," shall be deposited ; also, a box in which all ballots which are required by said ninth section to be indorsed "County," or "City and County," shall be deposited ; also, in the proper counties, a box in which all ballots which are required by said ninth section to be indorsed "Assembly," shall be deposited ; also, a box in which all ballots which are required by said ninth section to be indorsed "Senate," shall be deposited ; also, a box in which all ballots which are required by said ninth section to be indorsed "Congress," shall be deposited. At any election at which any officers are to be voted for upon ballots not otherwise in this section provided for, there shall be provided as many additional boxes as there are additional kinds of ballots required.

Acts
repealed.

§ 3. So much of chapter six hundred and seventy-five of the laws

of eighteen hundred and seventy-two, entitled "An act in relation to elections in the city and county of New York and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat," as is inconsistent with the provisions of this act, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Ante, vol. 1, pp. 126 and 129.

CHAP. 554.

AN ACT to facilitate the collection of judgments against counties, towns, cities and villages.

Collection of judgments.

PASSED June 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If a final judgment for a sum of money, or directing the payment of money shall have been, or shall hereafter be recovered against any county, town, city or incorporated village within this State, and the same remains, or shall hereafter remain unpaid, and the execution thereof is not, or shall not be stayed as required by law, or if so stayed, the stay has expired, or shall hereafter expire, it shall be the duty of the board of supervisors, if the judgment is, or shall be, recovered against a county or town, or of the common council of the city, or the board of trustees of the village, if the judgment is, or shall be, recovered against a city or an incorporated village, and the said board of supervisors, common council, or board of trustees is hereby empowered to assess, levy, and cause to be collected at the same time and in like manner as other moneys for the necessary expenses of the county, town, city or village, as the case may be, are then next thereafter to be assessed, levied and collected, and in addition to the moneys now authorized by law to be assessed, levied and collected for that purpose, a sum of money sufficient to pay the said judgment with the interest thereupon, and the fees and expenses chargeable by law upon the execution, if any, issued to collect the same. The moneys so assessed and levied as soon as collected and paid to the proper receiving and disbursing officer or officers, or so much thereof as may be necessary, shall, from time to time, be paid by him or them to the judgment creditor, administrator, or assignee, or other person entitled to receive the same by reason of the said judgment, without any deduction for his or their fees or commissions.

Duty of common council, trustees, etc., to levy amount to pay final judgment.

Levy to be in addition to amount authorized by law.

Money to be paid to judgment creditor.

§ 2. No restriction or limitation imposed by law as to the sum to be raised in any year in any city or village shall apply to the moneys to be raised for the purposes specified in the last preceding section; but the said moneys shall be raised in addition to any sum so restricted or limited.

Limitation as to amount shall apply to moneys to be raised under this act.

§ 3. In the city of New York the powers and duties devolved upon the common council of a city by the first section of this act shall be exercised by the board of estimate and apportionment.

§ 4. This act shall take effect immediately.

CHAP. 556.

New York City. AN ACT relating to certain local improvements in the city of New York.

PASSED June 10, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comptroller to inquire into facts under which certain contracts were let. The contracts.

SECTION 1. The comptroller of the city of New York is hereby authorized to inquire into the facts and circumstances under which the contracts for the following works of local improvements were made and entered into by said city, namely: For regulating, grading and setting curb and gutter stones and flagging sidewalks in Eighth avenue, from the center of Fifty-ninth street to the center of Seventy-seventh street; from the center of Eighty-first street to the center line of One Hundredth street, and from the center of One Hundredth street to the center line of One Hundred and Twenty-second street; in One Hundred and Twenty-third street from Eighth avenue to New avenue; in One Hundred and Fourth street from Fifth avenue to the East river; in One Hundred and Thirty-fifth street from Eighth avenue to the Harlem river; and in Ninth avenue from Eighty-sixth street to One Hundred and Tenth street; for forming outlet sewer in Seventeenth street from Hudson river to and through Eleventh avenue and Twenty-third street to near Tenth avenue and in Seventeenth street; from Eleventh avenue to and through Tenth avenue, to Fourteenth street with branches; for forming outlet sewer in One Hundred and Eighth street from Hudson river to Boulevard, to One Hundred and Tenth street, to Tenth avenue with branches in Boulevard, One Hundred and Fourth and One Hundred and Seventh streets; for paving Thirtieth street between First avenue and East river; for paving Second avenue between Eighty-sixth and One Hundred and Twenty-fifth streets; and for paving Madison avenue between Forty-second and Eighty-sixth streets, and if satisfied that the several contracts relating to the said respective improvements were made and entered into by the parties thereto with the intent and understanding that the city was to charge and receive interest on the various payments made on account thereof from the date of payment to the date of the completion of the work, and not to the date of the confirmation of the assessment, and that the said several contracts were made and entered into in good faith, and that the rates and prices therein charged were fair and reasonable, he shall, on being so satisfied, ascertain and determine the amount of interest at the rate specified in said respective contracts on the several payments made by the city on account of the work under each contract as the same progressed from the date of the respective payments to the date of the completion of the work, and the difference between the amount so ascertained and determined and the amount charged and retained by the city against the said contracts respectively, as interest on the several payments from the date of each payment to the date of the confirmation of the assessment shall be paid by the city to the date of the completion of the work, under the respective contracts as aforesaid.

On being satisfied that prices were reasonable shall adjust interest account and pay difference.

To ascertain duties, but

§ 2. The said comptroller shall ascertain and determine the date or dates upon which the said contracts for regulating and grading and

setting curb and gutter stones and flagging sidewalks in Eighth avenue, but for delays caused for which the contractors were not responsible, would have been completed, and the date or dates so determined, independent of any certificate, shall be taken to be the time the work under said respective contracts was completed, and to which interest on the payments as aforesaid is to be charged against the contracts.

for delay, for which contractors were not responsible, when contracts would have been performed.

§ 3. In determining the amount of interest to be charged against the respective contracts specified in the first section of this statute, the said comptroller shall have exclusive and final power to inquire into the facts and ascertain if the work under the said contracts, or either of them, was delayed by the acts of the city, its officers or agents, and if in his opinion there was such delay, then during the continuance of such period of delay as he shall certify, no interest shall be charged against the contracts.

No interest to be charged for during time city was responsible, for delays.

§ 4. To provide for the payments by this statute authorized, the comptroller is authorized to issue revenue bonds of said city in anticipation of the taxes of the city for the year eighteen hundred and eighty-one.

Revenue bond to issue to provide for payment.

§ 5. All assessments hereafter imposed for local improvements in said city shall be made by the board of assessors on the following certificates to wit:

Assessments for local improvements.

1. The head of the department charged with the execution of the work in question shall certify to the said board of assessors the total amount of all the expenses which shall have been actually incurred by the mayor, aldermen and commonalty of the city of New York on account thereof.

What certificates to contain.

2. The comptroller shall certify to the said board of assessors the amount of the interest, at the legal rate, upon the several installments advanced or payments made on account of such work, from the time of such payment or advance by the city, to a day sixty days after the date of such certificate. Thereafter the said board of assessors shall assess upon the property benefited, in the manner now authorized by law, the aggregate amount of such certificates, or such proportion thereof as is now authorized by law, and the said board shall not in any way be enjoined, restrained, hindered or delayed in the performance of this duty, provided that nothing herein contained shall be construed to affect the existing powers of the board for the revision and correction of assessments.

Id.

§ 6. All contracts for local improvements in said city now in course of execution shall be proceeded with and completed pursuant to the terms of said contracts, respectively, and the expense of such improvements shall be assessed upon the property benefited as in the preceding section specified. The time for completing the work under the said contracts, respectively, in all cases where the time allowed by the contract for completing the same has not expired, is hereby extended sixty days; and in all cases where the time has expired the same is hereby extended for sixty days from the date of the passage of this act.

Contracts for local improvements to be proceeded with.

§ 7. This act shall take effect immediately.

Amount
and when
payable.

thousand dollars shall be payable on the first day of November, eighteen hundred and eighty-one, and the balance of twenty-five thousand dollars on the first day of November, eighteen hundred and eighty-two, with interest, at the rate not exceeding six per cent per annum, and the proceeds of said fund or stock shall be applied to payment for the work, labor and materials required to be done under the authority of this act.

Amount to
be in-
cluded in
estimate
of ex-
penses of
conduct-
ing public
business of
the city.

§ 3. The board of estimate and apportionment of the city of New York is hereby directed to include in the final estimates of the amounts required to pay the expenses of conducting the public business of the city and county of New York during the years eighteen hundred and eighty-one and eighteen hundred and eighty-two, an amount sufficient to pay in each of said years one-half of the principal and interest of the fund or stock authorized to be issued by this act.

§ 4. This act shall take effect immediately.

CHAP. 559.

Granting
land and
water
privileges.

AN ACT granting the consent of the State of New York to the purchase by the United States of certain lands, pond and rights for the purpose of increasing the water supply of West Point, New York, and ceding jurisdiction over said lands and pond.

PASSED June 14, 1880 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Consent of
State
given to
the pur-
chase of
lands by
U. S.

SECTION 1. The consent of the State of New York is hereby given to the purchase by the United States of America of a certain pond, known as Round pond, in the town of Highlands, county of Orange, State of New York, and of certain lands adjacent thereto, amounting in all to forty-nine and seventy-two one-hundredths acres, and of the right of laying a water-pipe from the same to the United States lands at West Point, New York, for the purpose of increasing the water supply thereof ; and the said United States may hold, use, occupy and own the said lands and pond and exercise jurisdiction and control over the same and every part thereof subject to the restrictions hereinafter mentioned.

Jurisdi-
ction ceded.

Concur-
rent juris-
diction.

§ 2. The jurisdiction of the State of New York in and over said lands and pond mentioned in the last section shall be and the same is hereby ceded to the United States for the purpose aforesaid ; and the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said lands and pond.

§ 3. The consent is given and the said jurisdiction ceded upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States in and over the said lands and pond so far as that all civil process in all cases and such criminal and other process as may issue under the laws or authority of the State of New York against any person or persons charged with crimes or misdemeanors committed within said State, may be executed therein in the same way and manner as if such consent had not been given or

jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

§ 4. So long as the said lands and pond shall remain the property of the United States, and no longer, the same shall be and continue discharged from all taxes, assessments and other charges which may be levied or imposed under the authority of this State.

Exempt
from taxa-
tion.

§ 5. This act shall not affect the claim of Cornelius Nelson in and to the minerals upon the said premises; nor the right of the public to enjoy the public highways as heretofore used.

Not to
affect
claim of
Cornelius
Nelson.

§ 6. This act shall take effect immediately.

CHAP. 561.

AN ACT to allow the continued use of a business name or designation in certain cases.

Use of
business
name.

PASSED June 15, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In case any resident of this State shall die, who, at the time of his death, and for a period of five years or more immediately prior thereto, was conducting and carrying on, in his sole name, any business in this State, or who, at the time of his death, was so conducting and carrying on any business having relation with other States or foreign countries, the right to use the name of said deceased for the purpose of continuing and carrying on such business shall survive, and in all cases where the right hereby given is exercised, such right to the use of such name shall form a part of the personal estate of such deceased, and shall pass or be disposed of and accounted for as such, and the right hereby given may be exercised under the provisions of this act, in the case of all such persons who have died within three years last past.

In case of
death busi-
ness may
continue
in name
of de-
ceased.

§ 2. In case any business shall be continued in the name of any such deceased person as in this act provided, the person or persons continuing such business shall execute and duly acknowledge a certificate setting forth the person or persons dealing or intending to deal under such name, with their respective places of residence, and file the same in the county where it is intended the principal place of business shall be, and shall cause a copy of such certificate to be published in a newspaper printed in the town or city in which shall be such principal place of business, or if none be printed in such town, then in a newspaper printed in the county town, and in the newspaper printed by the printer to this State for four successive weeks.

Certificate
to be exe-
cuted by
person con-
tinuing busi-
ness and
filed and
published.

§ 3. The county clerk, where any such certificate is filed as above provided, shall keep a book in which all such certificates shall be recorded at full length with their date of record, and also a register in which shall be recorded in alphabetical order every name which it shall be certified is to be used as herein provided, and in which shall also be recorded in alphabetical order the names of all persons filing certificates as herein provided, with the date of such filing, and copies of such certificates and an affidavit of advertisements, made as hereinbefore provided, shall be full evidence of the same.

County
clerk to
keep book
in which
to record
certifi-
cates.

§ 4. The clerk shall be entitled to a fee of one dollar for recording every such certificate and for entering the name to be used and the

Clerk's fee.

name of the person filing such certificate as herein provided; and to a further fee of fifty cents for making and properly certifying a copy of such certificate.

Service of
papers,
etc.

§ 5. In case any action or proceeding shall be brought, founded in whole or in part upon any transaction growing out of a business conducted as hereby provided, and the name of such deceased is stated as a defendant, the process and papers in such action may be served on any person or persons using such name with like effect as though such person or persons had been named as defendant by his or their own respective names, and with the same effect as though all such persons were served with process, and the process and all papers may be amended by substituting the name or names of the person or persons using the name of such deceased, and no action shall fail, abate or be in any manner hindered by the name of such deceased being so used.

CHAP. 566.

Rural
cemetery
associa-
tion.

AN ACT to amend chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery association," and the acts amendatory thereof.

PASSED June 16, 1900.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 11, ch.
133, Laws
of 1847,
amended.

SECTION 1. Section eleven of chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven is hereby further amended so as to read as follows:

Lots in-
alienable.

§ 11. Whenever the said land shall be laid off into lots or plats and such lots or plats, or any of them, have been transferred to individual holders, and after there has been an interment in a lot or plat so transferred, or after the death of the holder or proprietor of any lot or plat, such lot or plat, from the time of such first interment, or from the time of such death, shall be forever thereafter inalienable, and shall, upon the death of the holder or proprietor, descend to the heirs-at-law of such holder or proprietor and to their heirs-at-law forever, provided that any one or more of such heirs-at-law may release to any other of the said heirs, or any one or more of two or more joint-owners, may release to any other of the joint-owners, his, her or their interest in the same on such conditions as shall be specified in the release, a copy of which shall be filed in the office of the cemetery association:

proviso.

Id.

Id.

and provided, further, that the body of any deceased person shall not be interred in any lot or plat, unless it be the body of a person having, at the time of such decease, an interest in such lot or plat, or the relative of some person having such interest, or the wife or husband of such person, or his or her relative, except by the consent of all persons having such interest; and provided, further, that in case all bodies interred in any lot or plat shall be lawfully removed therefrom, the owner or owners of such lot or plat may apply to any special term of the supreme court held in the county where the cemetery of such association is situated, or in an adjoining county, for leave to sell the same.

Notice of such application, with a copy of the papers upon which the same is founded, shall be given to all parties interested, including such association, as in case of ordinary motions, upon notice, brought before the said court; and the said court may, for proper cause shown, authorize the sale of such lot or plat. But after the death of the holder or proprietor of any lot or plat, or if there be more than one holder or proprietor, after the death of either or any of them, no such sale shall be authorized by the court, unless directed or authorized to be made in and by the last will and testament of said deceased. Any body interred in any lot and removed therefrom shall be deemed to be lawfully removed, within the meaning of this section, if such removal was with the consent of the cemetery association, on the written application of the executor, or widow, or widower, or nearest of kin of the deceased; or if such association refused such consent, then, in lieu thereof, the consent of any special term of the supreme court held in the county where the cemetery of such association is situated, or an adjoining county. At any time when application for such consent shall be made to any such special term, notice thereof, as in case of ordinary motions, upon notice, brought before the said court, with a copy of the papers upon which the same is founded, shall be given to said association and to such other parties as the court shall direct; and the said court may, for proper cause shown, authorize the removal of such body.

Notice of application for leave to sell.

When bodies to be deemed lawfully removed.

Notice to be given association of application for leave to sell.

§ 2. Any lot or plat hereafter conveyed by any association incorporated under the act hereby amended, may be conveyed in such form and manner, that, from the time of such conveyance, or from the time of any interment in such lot or plat, the same shall be forever thereafter inalienable, and shall, upon the death of the holder or proprietor thereof, descend to all, or any one or more of the heirs-at-law of such holder or proprietor, and to all or any one or more of their heirs-at-law, or to such other person or persons, or such other class or classes of persons, as may, in the conveyance thereof, be designated for that purpose; but any one or more of such heirs-at-law, or of the persons who shall become the joint owners or proprietors of such lot or plat, may release to any other or others of such heirs-at-law, or persons, his, her or their interest in the same, on such conditions as shall be specified in such release; a copy of which shall be filed in the office of such association.

Lots may be conveyed so as to be inalienable after interment.

§ 3. Any lot or plat heretofore conveyed, or which may hereafter be conveyed by said association, may be held in the manner and for the purpose authorized by the last preceding section; provided that the owner or proprietor thereof, who has received a conveyance of the same from such association, shall signify and declare his or her wishes in respect thereto, by an instrument in writing duly acknowledged, or by any last will and testament duly made and executed; and shall file the same, or a copy thereof, in the office of such association.

How lots to be held.

§ 4. Any such association may take and hold any lot or plat which may be conveyed or devised to it by the owner or proprietor thereof, receiving title thereto from such association, with authority in the grantor or testator to make the said lot or plat thereafter inalienable, and to restrict interments therein to such person or persons, or such class or classes of persons, as may for that purpose be designated and prescribed in the conveyance or devise under which the said lot or plat shall be so taken and held.

Association may take and hold lot made inalienable and may restrict interments therein.

§ 5. This act shall take effect immediately.

Ante, vol. 3, pp. 745, 749 and 753.

CHAP. 567.

Business
of bank-
ing.

AN ACT to amend chapter one hundred and sixty-three of the laws of eighteen hundred and seventy, entitled "An act to amend the act entitled 'An act to authorize the business of banking,' passed April eighteen, eighteen hundred and thirty-eight."

PASSED June 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, ch.
176, Laws
of 1870,
amended.

SECTION 1. Section one of chapter one hundred and sixty-three of the laws of eighteen hundred and seventy, entitled "An act to amend the act entitled 'An act to authorize the business of banking,' passed April eighteen, eighteen hundred and thirty-eight," is hereby amended so as to read as follows:

Rate of
interest to
be charged
by banks,
etc.

§ 1. Every banking association organized and doing business under and by virtue of the act entitled "An act to authorize the business of banking," passed April eighteen, eighteen hundred and thirty-eight, and the various acts supplementary thereto and amendatory thereof, and every private or individual banker or bankers doing business in this State, are hereby authorized to take, receive, reserve and charge on every loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at the rate of six per centum per annum, and such interest may be taken in advance, reckoning the days for which the note, bill or other evidence of debt has to run. The knowingly taking, receiving, reserving or charging a rate of interest greater than aforesaid shall be held and adjudged a forfeiture of the entire interest which the note, bill or other evidence of debt carries with it, or which has been agreed to be paid thereon; and, in case a greater rate of interest has been paid, the person or persons paying the same, or their legal representatives, may recover back twice the amount of the interest thus paid, from the association taking or receiving the same; provided that such action is commenced within two years from the time the said excess of interest is taken. But the purchase, discount or sale of a bona fide bill of exchange, note or other evidence of debt, payable at another place than the place of such purchase, discount or sale, at not more than the current rate of exchange for sight drafts, or a reasonable charge for collecting the same, in addition to the interest, shall not be considered as taking or receiving a greater rate of interest than six per centum per annum.

Knowingly
taking
greater
rate to
work for-
feiture of
entire
interest.

Exchange
may be
added on
discount
of bill
payable
at another
place.

Sec. 2,
chap. 168,
amended.
Intent of
act to
place
banking
associa-
tions, etc.,
on equal-
ity with
national
banks.

§ 2. Section two of said chapter one hundred and sixty-three of the laws of eighteen hundred and seventy is hereby amended so as to read as follows:

§ 2. It is hereby declared that the true intent and meaning of this act is to place and continue the banking associations organized and doing business as aforesaid on an equality, in the particulars in this act referred to, with the national banks organized under the act of congress, entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, eighteen hundred and sixty-four. And all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

§ 3. This act shall take effect immediately.

Ante, vol. 7, p. 668; vol. 4, p. 127.

CHAP. 575.

Formation
of railroad
corpora-
tions.

AN ACT to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations, and to regulate the same."

PASSED June 22, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-one of chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," is hereby amended so as to read as follows:

§ 31. Every railroad corporation formed under this act shall make an annual report to the State engineer and surveyor of its operations for the year ending with the thirtieth day of September, and of its condition on that day; which report shall be verified by the oaths of the president or treasurer and the general manager or acting superintendent of its operations, and shall be filed in the office of the State engineer and surveyor by the twentieth day of December in each year, and shall state:

Annual
report.

TABLE A.

STOCK AND DEBT.

1. Capital stock as authorized by charter.
 2. Capital stock as since fixed.
 3. Capital stock subscribed.
 4. Capital stock paid in.
 5. Funded debt.
 6. Unfunded debt.
 7. Total funded and unfunded debt.
 8. Average rate per annum of interest on funded debt.
- The several amounts shall be stated in two columns, one of which shall be headed and contain "as by last report," and the other "by this report."
9. Number of shares of ordinary stock.
 10. Number of shares of preferred stock.
 11. Total shares of stock, of par value of \$ per share.
 12. Number of stockholders.
 13. A tabular statement of the funded debt as "by this report" shall be given, showing
 - (1) Each kind of bonds or obligations.
 - (2) If and how secured.
 - (3) Date of issue.
 - (4) When due.
 - (5) Rate of interest.
 - (6) Amount of authorized issue.
 - (7) Amount actually issued.
 - (8) The total amounts.
 14. The amount of unfunded debt as "by this report" shall be stated under the following classification:
 - (1) Notes and acceptances.
 - (2) Pay rolls and operating expenses unpaid.
 - (3) Amounts due other railroad corporations.
 - (4) Interest due and unpaid.
 - (5) Dividends unpaid.
 - (6) Open accounts.
 - (7) Other items (if any).

TABLE B.

COST OF ROAD AND EQUIPMENT.

15. Grading and masonry.
16. Bridges.
17. Superstructure including rails.
18. Passenger and freight stations, buildings and fixtures.
19. Engine and car-houses, machine shop, machinery and fixtures.
20. Land, land damages and fences.

21. Locomotive engines and fixtures.
22. Passenger and baggage cars.
23. Freight and other cars.
24. Engineering and agencies.
25. Any other items entering into the cost or value.
26. Total.

The several amounts shall be extended into three columns; the first to be headed and to contain "amount of last report;" the second, "amount since charged;" and the third, "amount by this report."

27. A statement shall be given showing briefly (by numbers, by quantities, or by descriptions) the additions, or betterments made to the road and equipment, representing the several amounts that may appear in the column headed "amount since charged."

TABLE C.

CHARACTERISTICS OF ROAD.

28. Main line of road (stating termini).
 29. Main line laid.
 30. Branches owned.
 31. Lines leased or operated.
 32. Total main line, branches owned, and lines leased or operated.
 33. Second track on main line.
 34. Second track on branches owned, or lines leased or operated.
 35. Total second track.
 36. Third track on main line.
 37. Fourth track on main line.
 38. Third and fourth track on branches owned, or on lines leased or operated.
 39. Sidings and turnouts on main line.
 40. Sidings and turnouts on branches owned, and on lines leased or operated.
 41. Total sidings.
 42. Aggregate of all tracks on main line, branches owned, and lines leased or operated, including all siding and turnouts.
- The amounts shall be extended into three columns; the first headed and to contain "length in this State;" the second "length out of this State," and the third "total length."
43. A tabular statement shall be given, showing the termini of each branch, and of each line leased or operated, its length, and the length of double track, including sidings and turnouts on each.
 44. Gauge of track.
 45. Miles of steel rails (reduced to single track) in main line.
 46. Same in branches owned, and lines leased or operated.
 47. Weight per yard of steel rails in main line.
 48. Weight per yard of iron rails in main line.
 49. Weight per yard of steel rails in branches.
 50. Weight per yard of iron rails in branches.
 51. Length in feet of iron bridges on all lines.
 52. Length in feet of wooden bridges on all lines.
 53. Length in feet of pile or trestle work in wood on all lines.
 54. Miles of telegraph wire owned and operated.

TABLE D.

EQUIPMENT.

55. Number of locomotive engines for passenger service.
56. Number of locomotive engines for freight service.
57. Number of locomotive engines for switching service.
58. Total number of locomotive engines owned.
59. Average weight (with tender and fuel and water) of each kind of locomotive engines.
60. Number of engine-houses.
61. Aggregate number of stalls in same.
62. Number of first-class passenger cars.
63. Number of second-class and emigrant passenger cars.
64. Number of baggage, mail and express cars.
65. Number of freight and other cars owned, namely :
 - (1) Box freight.
 - (2) Platform or flat.
 - (3) Cattle.
 - (4) Oil.
 - (5) Coal.
 - (6) Service.
 - (7) Other kinds.
66. Number of above freight cars with eight wheels.
67. Number of above freight cars with four wheels.
68. Number of locomotive engines controlled by the corporation for use, but leased instead of owned.
69. Number of freight cars controlled by the corporation for use, but leased instead of owned.

TABLE E.

MISCELLANEOUS.

70. Number of machine and car shops.
71. Number of elevators or grain houses.
72. Aggregate capacity of same in bushels.
73. Number of freight or cattle yards, of two acres or more in area.
74. Aggregate area of same in acres.
75. Miles of track laid in same.
76. Average number of persons directly employed by the company during the year.
77. Aggregate amount of salaries and wages paid to same for the year.

TABLE F.

DOINGS OF THE YEAR IN TRANSPORTATION AND TOTAL MILES RUN.

78. Number of miles run by passenger trains.
79. Number of miles run by freight trains.
80. Number of passengers (all classes) carried in cars.
81. Number of tons, of 2,000 pounds, of freight carried in cars.
82. Number of miles traveled by passengers, or number of passengers carried one mile ("total movement of passengers").
83. Number of miles one ton of freight was carried, or number of tons carried one mile ("total movement of freight").

- 84. Average rate of speed (miles per hour) adopted by ordinary passenger trains including stops.
- 85. Rate of speed of same when in motion.
- 86. Average rate of speed adopted by express passenger trains, including stops.
- 87. Rate of speed of same when in motion.
- 88. Average rate of speed adopted by freight trains, including stops.
- 89. Rate of speed of same when in motion.

TABLE G.

DESCRIPTION OF FREIGHT MOVED.

- 90. Products of the forest (tons).
- 91. Products of animals.
- 92. Vegetable food.
- 93. Other agricultural products.
- 94. Manufactures.
- 95. Merchandise.
- 96. Other articles.
- 97. Total number of tons.

TABLE H.

AMOUNTS MOVED OF CERTAIN SPECIFIED ARTICLES INCLUDED IN FOREGOING DESCRIPTION.

- 98. Flour (tons).
- 99. Grain.
- 100. Live stock.
- 101. Fresh or pickled meats and provisions.
- 102. Petroleum and other oils.
- 103. Lumber.
- 104. Pig and bar iron and steel, and iron and steel rails.
- 105. Iron and other ores.
- 106. Coal.

TABLE I.

DIRECTION AND DESTINATION OF FREIGHT MOVED.

- 107. Tons of through, going east and south.
- 108. Tons of through, going west and north.
- 109. Total tons through.
- 110. Tons of way, going east and south.
- 111. Tons of way, going west and north.
- 112. Total tons way.

TABLE J.

DESTINATION OF PASSENGERS CARRIED.

- 113. Number of through passengers.
- 114. Number of way passengers.

TABLE K.

AVERAGE RATE CHARGED PER TON PER MILE ON FREIGHT.

- 115. On first class.
- 116. On second class.
- 117. On third class.
- 118. On fourth class.
- 119. On all other classes.
- 120. Average on all classes.

The amounts shall be stated in two columns; one headed and to contain "rate on through;" and the other "rate on way;" and the "average on all classes," shall be stated with reference to the respective amounts of each class actually moved.

- 121. General average of through and way.

TABLE L.

AVERAGE RATE CHARGED FOR PASSENGERS PER MILE.

- 122. For first class.
- 123. For second class.
- 124. For emigrants.
- 125. Average for all classes.

The amounts shall be stated in two columns; one headed and to contain "rate for through," and the other "rate for way;" and the "average for all classes," shall be stated with reference to the number of each class actually carried.

- 126. General average for through and way.

TABLE M.

EXPENSES OF MAINTAINING ROAD AND REAL ESTATE.

- 127. Repairs of road-bed and railway other than cost of rails.
- 128. Repairs of bridges.
- 129. Repairs of telegraph lines.
- 130. Cost of rails used in repairs.
- 131. Tons of steel rails used in repairs.
- 132. Length of same (miles and fractions).
- 133. Tons of iron rails used in repairs.
- 134. Length of same (miles and fractions).
- 135. Repairs of buildings.
- 136. Repairs of fences and gates.
- 137. Taxes on real estate.
- 138. Total expenses of maintaining road and real estate.

TABLE N.

EXPENSES OF REPAIRS OF MACHINERY AND CARS.

- 139. Repairs of engines and tenders.
- 140. Repairs of passenger and baggage cars.
- 141. Repairs of freight cars.
- 142. Repairs of tools and machinery in shops.
- 143. Incidental expenses, including oil, fuel, clerks, watchmen, and other expenses about shops.
- 144. Total expenses of repairs of machinery and cars.

TABLE O.

EXPENSES OF OPERATING THE ROAD.

- 145. Office expenses, stationery and other expenses about office.
- 146. Agents and clerks.
- 147. Labor in loading and unloading freight.
- 148. Porters, watchmen, flagmen and switchmen.
- 149. Fuel and water station attendance.
- 150. Conductors, baggagemen and brakemen.
- 151. Enginemen and firemen.
- 152. Fuel, cost and labor in preparing for use.
- 153. Oil and other lubricants, and waste.
- 154. Loss and damage of goods and babbage.*
- 155. Damages for injuries of persons.
- 156. Damages to property, including damages by fire and cattle killed on road.
- 157. General superintendence, or salaries of general officers.
- 158. Hire of cars.
- 159. All other items.
- 160. Total expenses of operating the road.

The amount stated under the several subdivisions of "expenses of maintaining road and real estate," "expenses of repairs of machinery and cars," and "expenses of operating the road," are to be those chargeable against the year's business, and are to be stated without reference (other than the weight and length of rails) to the sums actually paid therefor during the year. The amounts shall be tabulated and divided between "passenger transportation" and "freight transportation," and so far as items do not pertain specifically to either one particular kind of transportation the division shall be made in the ratio of the "total movements" of passengers and freight.

TABLE P.

AMOUNTS PAID FOR CERTAIN SPECIFIC PURPOSES INCLUDED IN FOREGOING.

- 161. Stationery and printing.
- 162. Advertising.
- 163. Legal expenses and counsel fees.
- 164. Insurance.
- 165. Rents.
- 166. Tolls.
- 167. Contributions and subscriptions.

TABLE Q.

TRANSPORTATION EXPENSES FOR THE YEAR.

- 168. Expenses of maintaining road and real estate (Table M).
- 169. Expenses of repair of machinery and cars (Table N).
- 170. Expenses of operating the road (Table O.)
- 171. Total transportation expenses.

The division between "passenger transportation" and "freight transportation," hereinbefore provided for, shall be brought forward with the subdivisions of "transportation expenses," and the resulting division of "transportation expenses" shall be shown.

* So in original.

TABLE R.

RESULT OF THE BUSINESS OF THE YEAR.

The earnings are to be stated without reference to the sums actually received during the year.

172. Earnings:

- (1) From passengers.
- (2) From freight.
- (3) From mails.
- (4) From rents.
- (5) From other sources (in detail).
- (6) Total earnings.

173. Charges against earnings:

- (1) Transportation expenses (171).
- (2) Interest.
- (3) Rentals of leased lines.
- (4) Dividends—date, and rate per centum.
- (5) Other items (in detail).
- (6) Total charges against earnings.

174. Resulting surplus (or deficiency) for the year.

TABLE S.

“INCOME” OR “PROFIT AND LOSS” ACCOUNT.

175. Balance, surplus (or deficiency) from previous year.

176. Surplus (or deficiency) for this year as shown by Table R.

177. Any other items of gain or loss (to be added or deducted).

178. Balance, surplus (or deficiency) now.

This balance of “income,” or “profit and loss,” must be that which appears on the proper side of the “balance sheet” hereinafter provided for.

TABLE T.

BALANCE SHEET, AT THE END OF YEAR.

179. The “balance sheet” must be tabulated, and contain on the one side a statement of the assets of the company at the close of the year, as follows:

- (1) Cost of road and equipment, as shown “by this report” in Table B.
- (2) Cost of other lines owned, which may not have been included in preceding; stating each line separately.
- (3) Permanent investments (in detail).
- (4) Cash on hand.
- (5) Cash assets (classified).
- (6) Due from other railroad corporations.
- (7) Fuel and supplies on hand.
- (8) Sinking fund (if any).
- (9) Other assets (classified and in detail).

And on the other side a statement of the liabilities of the company at the same time, as follows:

- (1) Capital stock (as “by this report” in Table A).
- (2) Funded debt (as “by this report” in Table A).
- (3) Unfunded debt (as “by this report” in Table A).
- (4) Other liabilities classified.

The balance of “income,” or “profit and loss,” must appear on the

side on which it may fall, according to whether it be "surplus" or deficiency, and the two sides of the "balance sheet" must then be equal in footing.

The "balance sheet" in each report, after the first one shall have been made under the provisions of this act, shall be tabulated with double columns on each side; in one of which columns, properly headed, shall appear the amounts at the end of the year for which such report is made, and in the other the amounts of the corresponding items as they appear in the report for the previous year.

180. The number of persons injured in life or limb, and the cause of the injury, and whether passengers or persons employed, and whether any such accidents have arisen from carelessness or negligence of any persons in the employment of the corporation, and whether such persons are retained in the service of the corporation.

181. The names and residences of the directors of the corporation.

182. The names and official addresses of the executive and general officers of the corporation.

Maps, etc.,
to be
transmitted to
State engineer and
surveyor.

183. It shall be the duty of each corporation to transmit to the State engineer and surveyor the following maps, profiles and drawings exhibiting the characteristics of their roads; the map to show the length and direction of each straight line, and the length and radius of each curve; also the point of crossing of each town and county line, and the length of line in each town and county, accurately determined by measurements to be taken after the completion of the road. The profiles to be on the map, and shall show the grade line and surface of ground in the usual method, also the elevation of grades above tides at each change in the inclination thereof. The maps and profile to be made on a scale of five hundred feet to one-tenth of a foot; vertical scale of profiles to be one hundred feet to one-tenth of a foot. For all roads or parts of roads now done, or in operation, and for which such maps and profiles have not already been returned, they shall be returned on or before the first day of January next; and for all roads now in progress, or which may hereafter be constructed, the said maps and profiles shall be returned within three months after the same or any portion thereof shall be in use.

Profiles to
show
grade.

State engineer to
prepare
report in
tabular
form for
legislation.

184. It shall be the duty of the State engineer and surveyor to arrange the information contained in such report in tabular form, and prepare the same, together with the said reports, in a single document, for printing, for the use of the legislature, and report the same to the legislature as early as may be practicable in each year.

185. The provisions of this section shall apply to all existing railroad corporations; and the report of the said existing railroad corporations, made in pursuance of the provisions of this section, shall be deemed to be a full compliance with any existing law or resolution requiring annual reports to be made by such corporations, or either of them.

§ 2. This act shall take effect immediately.

Acts, vol. 3, p. 629.

CHAP. 576.

AN ACT to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in cities of sixteen thousand inhabitants or upwards, and the towns and villages abutting against the boundary of any such cities. Right of suffrage.

PASSED June 22, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inspectors of election in each of the cities of the State, whose population exceed sixteen thousand, and in each of the towns whose boundary line shall abut against any such city, shall meet annually on the Tuesday three weeks preceding the general election, at nine o'clock in the forenoon, at the place designated for holding the poll of said election, and organize themselves as a board for the purpose of registering the names of the legal voters of such district, and for this purpose they shall appoint one of their number chairman of the board, who shall administer to the other inspectors the oath or affirmation as prescribed by the constitution, and the same oath shall then be administered to the chairman by one of the other inspectors. The said board shall then proceed to make a list of all persons qualified and entitled to vote at the ensuing election, in the election district of which they are inspectors. Said list when completed shall constitute and be known as the register of electors of said district. The said inspectors, at their first meeting on Tuesday, three weeks preceding the general election, shall have the power, if necessary, to sit two days for the purpose of making said list, provided that at the annual election next prior to said meeting, the number of voters in the district of which they are inspectors exceeded four hundred. No person shall be eligible as such inspector, unless he shall be a qualified voter within such election district, nor unless he can read, write and speak the English language understandingly. No building or part of a building shall be designated or used as a place of registry or polling place in which, or any part of which, spirituous or intoxicating liquor is or has been sold within sixty days preceding the time of using the same. The said inspectors of election and registry shall also form a board of inspectors of election for the purpose of holding an election, by appointing one of their number as chairman; but it shall not be necessary for them to take any other or further oath of office than is herein provided for. The several officers of inspectors of registry and elections herein named are, and shall be in all courts and proceedings deemed and held respectively to be election district officers. It shall be the duty of the said inspectors, respectively, to be in constant attendance during the hours allotted for the discharge of their several duties, and any inspector who shall willfully absent himself from his duties shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars.

Inspectors to meet annually three weeks before election and form board of registry.

List of voters to be made.

May sit two days at first meeting.

Only qualified voters to act as inspectors.

Board of inspectors.

To be in constant attendance during hours allotted.

Registers to contain list of qualified voters, etc.

§ 2. Said registers shall each contain a list of the persons qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show in one column the names at full length, and in another column, in incorporated vil-

All names appearing on poll-list to be entered.

In case new election district is formed.

List to be completed as far as possible on day of meeting.
List to be filed.

Second meeting to be on Friday preceding election and revise lists.
Addition of names.

Proceedings to be open.

Only names of persons appearing before the board to be added.

lages, the residence by the number of dwelling, if there be a number, and the name of the street or other location of dwelling-place of each person. It shall be the duty of said inspectors to enter in said list the names of all persons residing in their election district where names appear on the poll-list kept in said district at the last preceding general election; and in all villages which come under the provisions of this act, to enter the number of the dwelling and name of street or other location, if the same shall be known to or can be ascertained by such inspectors, and for such purpose said inspectors are authorized to take from the office in which they are filed the poll-list made and filed by the inspectors of such district at the general election held next prior to the making of such register. In case a new election district shall be formed, the said inspectors shall enter in the list the names of such persons entitled to vote in the new election district, whose names appear upon the poll-list of the last general election kept in the district or districts from which said new election district is formed. The said inspectors shall complete, as far as practicable, the said register on the day of their maturing* aforesaid, and shall make four copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, as far as the same are known to them; within two days thereafter the said original list, together with the list taken from the office as aforesaid, shall be filed by said inspectors in the office of the town clerk of the town, and in the office of the village clerk in which such election district may be. One copy of said list shall, immediately after its completion, be posted in some conspicuous place in the room in which such meeting shall be held, and be accessible to any elector who may desire to examine the same or make copies thereof.

§ 3. The said board of inspectors shall meet on the Friday of the week preceding the day of general election, in their respective election districts, at the place designated for holding the polls of election, for the purpose of revising and correcting said lists; and for this purpose they shall meet at nine o'clock in the forenoon, and remain in session until seven o'clock in the afternoon of that day; and they shall there revise, correct, add to and subtract from, and complete the said lists; and shall on that day add to the said list the names of any person who would, on the said first Tuesday of November, be entitled, under the provisions of the constitution and the laws of this State, to exercise the right of suffrage in their respective election districts. But in making such addition on that day, or on any prior day, they shall not place on the said list the name of any person except in strict compliance with the provisions of section two and section four hereof, and the other provisions of this act.

§ 4. The proceedings of said board of inspectors shall be open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said inspectors in relation to corrections or additions to said register. One of the lists so kept by said inspectors as aforesaid shall be used by them on the day for making corrections or additions for the purpose of completing the registry for such district. No addition shall be made to the said register of the name of any person, nor shall the name of any person be placed thereon except of one who shall have appeared in person before the said board; and any person not born in the United States, on applying to have his name placed on the registry, shall prove that he is a citizen of the United

* So in original.

States, by producing a certificate of naturalization from a court of competent jurisdiction; or, in case of loss of such certificate, he shall show to the satisfaction of the board of registry that he is a naturalized citizen.

§ 5. It shall be the duty of said inspectors, at their meeting for revising and correcting said list, to erase therefrom the name of any person inserted therein who shall be proved to the satisfaction of said inspectors to be a non-resident of said district, or otherwise not entitled to vote in said district at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said board of inspectors, and require his name to be recorded on said alphabetical list, and upon complying with the requirements of this act the same shall be recorded. Any person so requiring his name to be entered on said list shall make the same statement as to the street or number thereof, and where he resides, required by the provisions of this act of persons offering their votes at the election, and shall be subject to the same pains and penalties for refusing to give such information, or for falsely giving the same, and shall be also subject to challenge, either by the inspectors, or either of them, or by any other elector whose name appears upon said alphabetical list, and the same oath may be administered as to persons offering to vote at an election.

§ 6. After said list shall have been fully completed, the said inspectors shall cause six copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district, one of which shall be filed in the office of the town clerk of towns, and of the clerk of the village, and in the office of the county clerk of the county, and one of which copies shall be retained by each of the said inspectors. It shall be the duty of the said inspectors carefully to preserve the said list for their use on election day, and to designate one of their number, or one of the clerks, at the opening of the polls, to check the names of every voter voting in such district, whose name is on the register; and no vote shall be received at any annual election in this State unless the name of the person offering to vote be on the said registry, made and completed as hereinbefore provided, preceding the election; and any person whose name is on the registry may be challenged, and the same oaths shall be put as are now prescribed by law. This section shall be taken and held by every judicial or other tribunal as mandatory and not as directory. And any vote which shall be received by the said inspector of election in contravention of this section shall be void, and shall be rejected from the count in any legislative or judicial scrutiny into any result of the election.

§ 7. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll-list kept by them, in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinafter required of inspectors, in making the registry; but such entry is not to be made by them if the registry contains correctly the name and residence of such voter. Every elector, at the time of offering his vote, shall, if required, truly state the street in which he resides; and if the house, lodging or tenement, in which he resides is numbered, the number thereof, and the clerks of the polls shall truly enter in the appropriate column of the poll-list opposite the name of the elector, the street in which the elector resides and the number in case the house, lodging or tenement is numbered; and if the same is not numbered, then the clerk shall enter "not numbered" in the column of the poll-list for entering the number, and in case of refusal to make the statement as aforesaid, the vote of such

Proof of
citizen-
ship.

Names of
persons
found not
to be legal
voters to
be erased.

Electors
may ap-
pear and
require
their
names to
be re-
corded.
State-
ments,
to be
made, etc.

Six copies
to be
made.

How to be
disposed
of.

Lists to be
preserved.

Only per-
sons
whose
names ap-
pear on
registry to
vote.
This sec-
tion man-
datory.

Entry to
be made by
clerks at
each poll.

State-
ments to
be made by
electors.

Punish-
ment for
willful
false state-
ments.

elector shall not be received. Any person who shall willfully make any false statement in relation thereto shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail of the county, where such voter offers to vote, for a period of ten days, or by both such fine and imprisonment.

Poll-list
to be
checked.

§ 8. After the canvass of the votes, the said poll-list and said register so kept and checked as aforesaid shall be attached together, and shall, on the following day, be filed in the town clerk's office of the town in which said district shall be; and in case the district is in a village, in the office of the clerk of such village, and, also, in the county clerk's office of the county, to be used by the inspectors in making the list of voters at the next general election.

Clerk for
board of
registers.

§ 9. The said board may, if necessary, on the day or days of the making and the correction of such list, appoint a clerk to assist them in the discharge of the duties required by this act; and the same oath shall be taken by such clerk as is required by law of clerks of the polls and of elections.

Registers
to be open
and
public.

§ 10. The registers shall, at all times, be open to public inspection at the office of the authorities in which they shall be deposited, without charge.

Compensa-
tion.

§ 11. The members of the board of registration and their clerks shall each receive the same compensation as is now allowed by law for inspectors of elections, for each day actually employed in making and completion of the registry, to be paid to them at the time and in the manner in which they are paid their other fees. The necessary blanks and instructions, and other incidental expenses incurred in executing the provisions of this act, shall be provided and paid for in the manner now provided for the payment of incidental expenses of election of the like character.

Blanks,
etc.

Power to
preserve
order.

§ 12. The said board shall have and exercise the same powers in preserving order at their meetings under this act, as are given to inspectors of election for preserving order on election days.

Adminis-
tration of
oaths.

§ 13. Any one of the inspectors may, at any authorized meeting of the board, administer the oath or oaths now required by law to test the qualification of electors, and may also administer on the day of the making and completion of the list, to any elector of the district who may be offered as a witness to prove the qualification of any person claiming the right to be registered, the following oath: "You do swear, or affirm, that you are an elector of this district; that you will fully and truly answer all such questions as shall be put to you touching the place of residence and other qualifications as an elector of the person now claiming the right to be registered as a voter in this district." And whoever shall willfully swear falsely upon such examination shall be deemed guilty of perjury.

Form of
oath.

Punish-
ment for
falsely
register-
ing, etc.

§ 14. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter, in the town or district where said registry is made, or who shall falsely personate any registered voter, and any person causing any such act, or aiding or abetting any person in any manner in either of said acts, shall be punished for each and every offense, by imprisonment in the State prison for not less than one year. All false swearing before said board of registration shall be deemed willful and corrupt perjury; and on conviction punished as such. If any member or officer of said board shall willfully violate

False
swearing
perjury.

any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense by imprisonment in the State prison for not less than one year.

§ 15. The same list required to be made and perfected at general elections shall, in the same manner, be made and perfected by the inspectors or other officers of election at all elections for town and village officers, and all elections for school trustees, or boards of education, in any village, wherein, under the provisions of law, any of the villages mentioned in this act elect school trustees or boards of education by ballot; and the provisions and requirements of this act, so far as the same may be, are made applicable to such elections, except that the officers required to make such registries shall meet for that purpose on the Friday preceding the town or village charter election, and on the Friday preceding the election for school officers for the purpose of making up, revising, correcting and completing such register.

Same list required for general, to be made for special and town elections.

First meeting.

§ 16. The secretary of State shall cause this law to be printed, and a sufficient number of copies thereof sent to the county clerks of the several counties in which there are towns and villages which come under the provisions of this act to supply each of the officers mentioned or named in this act, with a copy, and it shall be the duty of the said county clerks immediately to transmit a copy of the same to each of the election officers mentioned in this act.

Secretary of State to print and distribute this act.

§ 17. Nothing in this act contained shall be held to apply to any vote cast, or offered to be cast, nor to any vote under or by virtue of the provisions of any law enacted to enable qualified electors of this State, absent therefrom in the military service of the United States, or in the army or navy thereof, to vote.

Act not to apply to vote cast by persons in naval or military service of U. S.

§ 18. The provisions of this act shall apply to the towns of Richmond county.

To apply to Richmond county.

§ 19. This act shall not apply to any town unless at least twenty-five electors thereof shall petition the supervisor of said town for such registry, at least one week before the time for meeting of the inspectors mentioned in the third section of this act, which petition shall be immediately filed by said supervisor in the town clerk's office of said town, which clerk shall at once notify the said inspectors; nor shall this act be construed to repeal or in any manner interfere with any general or special act for a registry of voters in any of the cities, villages or towns of this State.

Not to apply to town except twenty-five electors petition for such registry.

§ 20. No vote shall be received at any general election in this State, unless the name of the person offering to vote be on the said registry made on the Friday preceding the election, except that the person offering to vote in any district not in an incorporated city nor in an incorporated village having over ten thousand inhabitants, shall furnish to the board of inspectors his affidavit giving his reasons for not appearing on the day for correcting and verifying the list, and prove by the oath of a householder of the district in which he offers his vote that he knows such person to be an inhabitant of the district; and any person whose name is on the registry may be challenged, and the same oaths shall be put as are now prescribed by law. At any general election hereafter held in this State, any of the inspectors of such election may take the affidavit herein required by law to be furnished by persons offering to vote whose names are not on the registry of electors; and such inspectors, or one of them, shall, upon request,

Persons not in certain incorporated villages, not on registry may vote on making proof specified.

Inspectors may take affidavits.

take and certify such affidavit without fee or reward. All other officers authorized by law to take affidavits shall at all times, upon request, take and certify any affidavit so required to be furnished as aforesaid, without any charge therefor.

§ 21. This act shall take effect immediately.

CHAP. 579.

New York
City.

AN ACT in relation to the opening of streets, avenues and public parks or places in the city of New York.

PASSED June 24, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Surveys
and maps
to be
furnished.

Expense
of.

Fees of
commissioners
of estimate.

Costs and
charges.

Which
values
may be
embraced
in same
proceed-
ing.

SECTION 1. It shall be the duty of the department or board of the city of New York, having the direction or charge of the opening of any street, avenue or public park or place, to furnish to the commissioners of estimate and assessment, that may be appointed in any proceeding to open any street, avenue or public park or place in said city, such surveys and maps as may be required by them in such proceeding. The expense of such surveys and maps shall not be included in any assessment in such proceeding. Such surveys and maps shall be made by surveyors in the regular and stated employment of such department, and it shall be the duty of the board of estimate and apportionment of the city of New York, annually, to make provision for the expense of procuring and preparing the same. The fees of such commissioners of estimate and assessment, exclusive of necessary disbursements hereinafter mentioned, shall not exceed in the aggregate the sum of twenty cents a foot for the lineal extent of the street or avenue or the portion thereof so to be opened or altered; but when the assessment district shall extend beyond the street or avenue lying nearest to and having the same general direction as the street to be opened, the fees of such commissioners of estimate and assessment may be increased in the aggregate to not exceeding twenty cents for every twenty-five hundred square feet of territory embraced in the assessment district lying beyond the said nearest street or avenue; but in any case such additional fees of said commissioners shall not exceed ten cents for each lineal foot of the street or avenue or portion thereof to be opened or altered. No costs, charges or expenses of any description shall be allowed in such proceeding, or charged on any lands affected thereby, except the compensation of the commissioners as above limited, and their necessary disbursements for room rent actually paid, but in no case to exceed one dollar per day; for advertising, printing or posting any notices required by law, and for any other necessary incidental expense, not exceeding one hundred dollars.

§ 2. Streets or avenues, or portions thereof, which are continuations of each other in the same general direction, and no others, may be embraced in the same proceeding for the opening thereof, and in case of the opening of any street or avenue, or portions of any street or avenue, where the street or avenue, or portions thereof, sought to be opened shall have been laid down and shown upon any general map or plan made and filed in pursuance with any law of the State of New York, relative to the mapping and planning of streets and avenues in said city, where no buildings for which compensation can lawfully be

made shall be taken, the assessment district shall not extend beyond the center line of the blocks adjacent thereto, nor beyond the ends of the street or avenue, or portions thereof, sought to be opened.

§ 3. The owners of land and of all the estate therein embraced within the lines of any street or avenue laid down and shown on any such general map or plan, and comprising all the land within said lines in an entire block in extent, may, without compensation, and at their own expense, convey all their right, title and interest therein, providing the same shall be free from incumbrance, to the mayor, aldermen and commonalty of the city of New York, and upon the delivery of such conveyances to the counsel to the corporation of said city, with the money necessary to record such conveyances, and affidavits made by all of such owners to the effect that the persons making them are the owners of the estates in such lands so conveyed by them respectively, and stating their interests, and that such estates in such lands are free of all incumbrances, together with abstracts of title, if desired by such counsel to the corporation, it shall be the duty of such counsel to the corporation to examine such conveyances and papers, and if such titles shall not be rejected for good cause by such counsel, he shall cause the said conveyances to be recorded in the office of the register of the city and county of New York, within sixty days after their delivery to him, and file them with the comptroller of such city, and thereupon the said the mayor, aldermen and commonalty of the city of New York shall become vested with the title to said lands to the same effect and extent as if they had been acquired by a proceeding taken for the opening of that portion of said street or avenue; after the making and acceptance of such conveyances, no proceedings to open the lands so conveyed shall be taken or maintained, nor shall the lands fronting on that portion of the street or avenue so conveyed, and extending to the center of the block on either side of such portion of said street or avenue so conveyed, be chargeable with any portion of the expenses of opening the residue or any portion of the residue of such street or avenue, except the due and fair proportion of the awards that may be made for buildings as aforesaid.

Owners may convey at their own expense lands free from incumbrance, etc.

Duty of counsel to the corporation.

After conveyance no proceedings to acquire title to be taken.

§ 4. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 580.

AN ACT to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers."

County treasurers.

PASSED June 25, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers," is hereby amended so as to read as follows:

§ 10. Nothing herein contained shall apply to the counties of Sullivan, Putnam, Greene, Monroe, Onondaga, Columbia, Seneca, Essex, Delaware, Cortland, Queens, Madison, Oswego, Rensselaer, Livingston and Erie.

§ 2. This act shall take effect immediately.

Ante, p. 454. The section sought to be amended is § 11, as added by ch. 233, *ante*. The changes made by that act were evidently overlooked when the above

CHAP. 582.

Transportation.

AN ACT to provide for excavating and tunneling and bridging for transportation purposes within villages and cities of this State.

PASSED June 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When necessary to build road under ground or under water, company may enter upon and acquire title to lands.

May construct masonry foundations, etc.

Tunnel to be built so as to surface of ground firm and safe.

When consent of owners must be obtained.

In case owners do not consent, general term of supreme court may appoint commissioners to determine whether road ought

SECTION 1. Whenever according to the route and plans adopted by any railroad company heretofore or hereafter formed under any special act of the legislature of this State, or under chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," and all acts supplementary thereto or amendatory thereof for the building of its railroad, it shall be necessary or proper to build said road, or any part of the same underground, or to tunnel or bridge any river or waters, it shall be lawful for said company to enter upon and acquire title to and use such lands under water and uplands, except on or along any canals owned by the State, as shall be necessary for purposes herein mentioned, and they shall have the power to construct, erect and secure the necessary foundations and other structures which may be required for the operating of such road or connecting the same with another, and for maintaining the same, and purchase or acquire, in the manner now provided by law, such land or rights or easements in land along their said route upon, over or beneath the surface thereof, as may be necessary for the building of their said road and making such connections; provided, however, that where said road runs underneath the ground at such depth as to enable said company to tunnel the same, such tunnel shall be so built and at all times kept in such condition as to make the surface of the ground above the same and in the neighborhood thereof firm and safe for buildings and other erections thereon, and, in case surface excavations are made, as soon as can be done the surface shall be restored to its former condition, except so far as may be actually required for ventilation of the tunnel beneath the same or access thereto; and provided, further, that whenever such road, or any part of the same, is intended to be built within the limits of any city or incorporated village of this State and to run by means of a tunnel underneath any of the streets, roads or public places thereof, the said company, before building the same underneath any of said streets, roads or public places, shall obtain the consent of the owners of one-half in value of the property bounded on the line, and the consent of the board of trustees of the village by resolution adopted at a regular meeting and entered on the records of said board, and of the proper authorities having control of said streets, roads or public places; or in case such consent of the owners of property bounded on the line cannot be obtained, the general term of the supreme court in the district in which such city or village is situated may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be allowed to be built underneath said street, roads and public places, or any of them, and in what manner the same may be so built with the least damage to the surface, and to the use of the surface by the public, and the determination by said commissioners, con-

firmed by the court, may be taken in lieu of the consent of said authorities and property owners. And provided, further, that when any railroad company constructs, under this act, its railroad under any part or within the limits of any city or incorporated village of this State, subject to the provisions and limitations of this act, it shall be lawful for any other railroad company to connect its road therewith at such points or places as such company may elect, and all railroad companies constructing their road or roads under the provisions of this act shall be subject to all the provisions of an act entitled "An act to authorize the formation of railroad companies and to regulate the same," passed April second, eighteen hundred and fifty, and all acts supplementary thereto and amendatory thereof; and further, at such point or points, place or places, where such connections shall be made by connecting roads, the railroad companies owning such roads shall build, at their joint expense, and for their joint use, such passenger and freight depots, and other accommodations for handling passengers and freight as may be required for the convenience of the public.

to be built, etc. Proviso as to connection with other roads in cities and villages.

§ 2. Any such railroad company, the greater part of whose road-bed according to its said route and plan is to be below the surface of the ground, and whose road does not exceed three miles in length, may at any time after its said route shall have been adopted, and the map thereof shall have been filed as required by law, merge and consolidate its capital stock, franchises and property with the capital stock, franchises and property of any other railroad company organized under the laws of this or any other State, in the manner now provided by law for the consolidation of railroad companies, whenever the railroads of said companies so to be consolidated may together form a continuous line of railroad, provided such consolidation shall not prevent all connecting railroads from having equal rights of transit for their passengers and freight through the tunnel upon the same equitable terms.

Consolidation with other companies.

§ 3. All railroad companies constructing any tunnel under this act shall be liable to any person or corporation for all damages which may be sustained by reason of the construction of such tunnel. Whenever it shall be necessary, in constructing any railroad authorized by this act through any city or incorporated village, to alter the position or course of any sewers or water or gas pipes, the same shall be done at the expense of such railroad company or companies, under the direction of the department or corporation having charge thereof, so as not to interfere with said work. In all cases the use of the streets and docks and lands beneath which said railroad is constructed, and on the route thereof, and the right of way beneath the same for the purpose of said railroad, shall be considered and is hereby declared to be a public use consistent with and one of the uses for which its streets, avenues and docks are publicly held.

Liability for damages.

§ 4. Nothing in this act shall be construed to authorize the building in any city or village of this State of any railroad to run upon the surface of any street or of any elevated railroad not now provided for by law. Nothing in this act shall be construed to repeal or modify any part of chapter three hundred and eighty of the laws of eighteen hundred and seventy-eight, entitled "An act relating to the public place or square known as Washington park in the city of New York," or to authorize the use or occupation by any company or companies of any public park or square in any city or village of this State for any of the purposes of this act, or to permit the construction of an open cut railroad in or through any street or public place in any such city

Act not to be construed to allow building of surface or elevated roads.

or village, but every road constructed under the provisions of this act, in or through any such street or public place, shall be wholly underground, and constructed in a tunnel and not otherwise.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately.

CHAP. 583.

Formation
of railroad
corpora-
tions.

AN ACT to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act entitled 'An act to authorize the formation of railroad corporations and to regulate the same.'"

PASSED June 25, 1880 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Para-
graph 6,
sec. 28,
chap.
140, Laws
of 1850,
amended.
Right to
cross,
intersect,
etc., other
railroads.
Proceed-
ings in
case two
corpora-
tions can-
not agree.

SECTION 1. Paragraph six of section twenty-eight of chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," is hereby amended so as to read as follows:

6. To cross, intersect, join and unite its railroad with any other railroad before constructed, at any point on its route and upon the ground of such other railroad company with the necessary turn-outs, sidings and switches and other conveniences in furtherance of the objects of its connection. And every company whose railroad is or shall be hereafter intersected by any new railroad shall unite with the owners of such new railroad in forming such intersections and connections and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the line or lines, the grade or grades, points and manner of such crossing and connections, the same shall be ascertained and determined by commissioners, one of whom must be a practical civil engineer, to be appointed by the courts, as is provided in this act in respect to acquiring title to real estate; and said commissioners shall have full power to determine whether the crossing or crossings of any railroad before constructed shall be beneath, at or above the existing grade of any such railroad, and upon the route designated on the map of the company seeking the crossing required to be filed by section twenty-two of this act, or otherwise. And all companies whose railroads are or shall hereafter be crossed, intersected or joined as aforesaid, shall receive from each other and forward to their destination all goods, merchandise and other property intended for points on their respective roads with the same dispatch and at a rate of freight not exceeding the local tariff rate charged for similar goods, merchandise and other property received at and forwarded from the same point for individual and other corporations.

Compan-
ies shall
receive
from such
other and
forward
freight.

§ 2. Nothing in this act contained shall apply to any street surface railroad in the city of New York.

§ 3. This act shall take effect immediately.

See ch. 183, *ante*, p. 924; vol. 4, pp. 619 and 637.

NOTE.—Chap. 584 amends ch. 584, L. 1879, and that act is printed as so amended, *ante*, p. 830.

CHAP. 585.

AN ACT for the prevention of accidents to children.

Prevention of accidents.

PASSED June 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No minor child within this State not being a passenger shall be allowed upon the platform or steps of any railroad car drawn by steam, or of any omnibus, street car or other vehicle drawn by horses, and the parents or guardians of any child who shall permit such child to ride or play upon the steps or platform of any such railroad car, omnibus, street car or other vehicle, shall be punished on conviction by a fine not less than five nor more than ten dollars.

No minor child to ride on platform of cars, etc.

§ 2. It shall be the duty of all constables and policemen within this State to arrest any child or children violating the provisions of this act. And any such child or children shall likewise on conviction be punished by a fine not exceeding five dollars for each offense.

Constables to make arrest. Fine.

§ 3. This act shall take effect immediately.

CHAP. 588.

AN ACT to organize a night medical service in the city of New York, and to provide medical assistance in cases of sudden sickness or accident during the night time.

New York City.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. On and after the passage of this act, and upon receipt of a copy thereof duly signed and certified, it shall be the duty of the captain of each police precinct in the city of New York to register in a book provided for that purpose, the names and addresses of all physicians in good and regular standing within said precinct, who shall make application for such registry and shall thereby pledge themselves to respond to any call for medical attendance, made as hereinafter described. Each name thus registered shall be submitted to the registrar of vital statistics of the board of health in the city of New York, whose duty it shall be to ascertain and report whether said physician is in good and regular standing, and to transmit a certificate to such effect to the captain of said precinct, and only upon receipt of such certificate shall it be lawful for the captain of the said precinct to employ such physician as hereinafter named. The names and addresses of such physicians as have been duly certified by the registrar of vital statistics shall be plainly and legibly written or printed on a bulletin provided for that purpose, which bulletin shall be placed at a convenient point near the captain's desk, and kept open to the inspection of all persons within the precinct desiring to see the same.

Captain of police to register names and addresses of physicians who make application to register, etc. Names to be submitted to registrar who shall issue certificates.

Bulletin.

Applica-
tions to be
registered.

Physi-
cian to be
called.

Officer to
call for
physi-
cian, etc.

Blank to
be filled by
officer.

Certificate
to be given
to physi-
cian.

Payment
to be
requested
of patient.

In default
of pay-
ment
cashier of
board of
health to
pay.

Statistical
exhibit of
case to be
transmit-
ted to
board of
health.

Blanks
to be
provided.

§ 2. Upon the application of any person residing within the said precinct, whose name and address, together with the name and address of the said person desiring or needing such attendance, and the date of the application be duly registered in a book kept open for that purpose. It shall be the duty of the captain or other officer at the desk, in the absence of any expressed preference by the applicant, to select from the list of physicians thus registered, the name of the physician residing nearest to the residence of the said patient in whose behalf application is made, and to notify him without delay of the existence of such application.

§ 3. It shall be the duty of the captain, sergeant or other officer at the desk, in such police precinct as before specified, upon registry of any application as described in the preceding section, immediately to detail an officer whose duty it shall be to call upon such physician without delay, and to conduct him to the residence of the patient, also to verify by personal inspection or inquiry the name and address of such patient as registered by his superior officer. Every officer thus detailed as messenger shall be furnished with a blank certificate, upon which the name and address of the physician responding to the call, the name and address of the patient attended, and the date and hour of the visit shall be written by him after he has conducted the physician to the patient's residence and verified the genuineness of the application. Such certificate shall be signed by him and given to the physician, and shall specify upon its face that the physician therein named is entitled to the sum of three dollars from the public funds, upon presentation thereof to the proper officer, and indorsement thereof in writing with the name of the captain of the precinct. But it shall be the duty of the physician making such visit to present such certificate to the patient or his or her agent or attendant, and to request payment of the said sum specified; and in case of such payment being made, said physician shall surrender such certificate to the person or persons making it, and it shall cease to be a claim upon the public treasury. In default of the immediate payment of the said fee specified in the said certificate, by the patient or his or her attendant, it shall be the duty of the captain of the police precinct in which the visit was made to indorse it with his name; and thus indorsed it shall be the duty of the cashier of the board of health to pay at sight the fee aforesaid, and to enter the payment in a book provided for that purpose and take up the certificate. And all certificates thus redeemed shall be valid debts to the amount therein named, against the patients therein named, or their guardians, which the said board may order collected by due process of law, provided that no prosecution shall be instituted in cases where it is satisfactorily shown that the patient is without sufficient means for the payment thereof.

§ 4. It shall be the duty of every physician thus called to the medical assistance of any person within the police precinct in which he is registered to transmit to the registrar of the board of health of the city of New York, within twenty-four hours after the call shall have been answered, a full and accurate statistical exhibit of the case, specifying therein the age and sex and the employment, profession or business of the patient, the nature of the disease, the hour of the attack, when practicable, the date, and the police precinct and ward in which the case occurred; the same shall be signed with the full name and address of the physician rendering it, but the name and address of the patient shall always be omitted. And it shall be the duty of the board of health of the city of New York to provide all physicians thus registered for night medical service with appropriate blanks for the said purpose upon their application therefor.

§ 5. Any policeman who shall be detailed as messenger according to the provisions hereinbefore specified shall, in the absence of preference expressed in the application, call the physician nearest and most convenient to the patient's residence, or, in the absence or refusal from any cause of the latter, the physician next nearest, and so on. And there shall be no delay or waiting for such physician to return; and any member of the force neglecting to comply with this provision shall be subject to trial and fine or dismissal from the service, by the board of police commissioners, in the same manner as for other offenses cognizable by the said body. And any physician thus registering, who shall twice refuse or neglect, without reasonable excuse, to answer a call made according to the provisions of this act, shall be subject to have his name erased from the list, upon proper evidence thereof submitted to an executive officer who shall be appointed by the registrar of vital statistics of the board of health and shall be under his immediate supervision.

Physician nearest to be called, etc.

When physician's name to be erased from list.

§ 6. The captains of the several police precincts, if in their judgment it shall be necessary to the public convenience, may cause the bulletins of physicians herein specified to be posted in the hotels and district telegraph offices within their respective precincts, but any applicant applying at such hotels or telegraph offices, or desiring the services of any messenger other than a member of the police force detailed for the purpose, shall employ such messenger at his own expense, and shall be liable for any expenses incurred in communicating with the police precinct.

Bulletin to be posted, if captains deem necessary in hotel and district telegraph offices.

§ 7. The period during which the aforesaid physicians shall be held to be subject to call shall be between the hours of ten in the evening and seven in the morning, from October first to March thirty-first, inclusive, and between the hours of eleven in the evening and six in the morning, from April first to September thirtieth, inclusive.

Hours of service.

§ 8. The board of estimate and apportionment of the city of New York are hereby authorized and directed to appropriate an amount necessary for the support of the aforesaid night medical service, when its organization shall have been established by the board of health of said city; but in no case shall the sum so appropriated exceed three thousand dollars for any one year.

Appropriation.

§ 9. This act shall take effect immediately.

CHAP. 591.

AN ACT for the appointment of game and fish protectors.

Game and fish protectors.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The governor is hereby authorized, upon the passage of this act, to appoint eight persons to be known as game and fish pro-

Governor authorized to

appoint
eight
game and
fish pro-
tectors to
bring
actions,
etc.

Actions to
be brought
in name of
people.

Term of
office.

Vacancies.
District-
attorneys,
to bring
actions.

Witnesses'
fees.

Disburse-
ment to be
advanced
by county
treasurers.
Moneys
recovered,
how to be
disposed
of.

Nets,
pounds,
etc.,
whereby
fish may
be caught
contrary
to law
declared
public
nuisances,
etc.
Seizure of,
etc.

Arrests
without
warrant.

tectors, whose duty it shall be to enforce the statutes for the preservation of moose, wild deer, birds and fish, or any other game laws, and to bring, or cause to be brought, actions and proceedings in the name of the people of the State, to recover any penalties or amounts, or to punish any parties for the violation of said statutes or laws. Such actions may be brought in the name of the people in the like cases in the same courts, and under the same circumstances as they might now, or may hereafter, be brought by any individual under or by virtue of any existing or hereafter enacted statutes for the protection of deer, game and fish, or any of them. Such protectors and their successors, who shall be appointed by the governor, shall hold office for three years from the date of their appointment. All vacancies shall be filled by the governor. The district attorney of any county of this State shall, upon the request of any one of such protectors, commence and prosecute to termination, in the name of the people, actions and proceedings against any person reported to him by such protector to have violated any such statute or laws, for the recovery of the penalty for violation thereof, or for the punishment of the person violating the same. Witnesses' and other fees and disbursements and full costs shall be included in any judgment in favor of the people at the rates fixed by section three hundred and seven of the Code of Procedure, without reference to the amount of recovery. All money necessary for witnesses' fees and disbursements in any such action shall, on the requisition of the district attorney, be advanced by, and all moneys, except costs, which shall belong to the district attorney, recovered in any action, and all fines collected shall be paid to the treasurer of the county in which the action or proceedings shall have been commenced; and the district attorney or treasurer of such county, upon the payment of any judgment, may satisfy the same of record as the attorney for the people. All moneys thus paid into any county treasury over and above the amount necessary to reimburse the county for any outlays or expenses paid out by the county treasurer under this act, shall be paid on or before the thirtieth day of September in each year into the State treasury, and become and be part of the general fund.

§ 2. Any net, pound, or other means or device for taking or capturing fish, or whereby they may be taken or captured, set, put, floated, had or maintained in any of the waters of this State in violation of any existing or hereafter enacted statutes or laws for the protection of fish, is hereby declared to be and is a public nuisance, and may be abated by any citizen of this State; and it shall be the duty of each and every protector aforesaid to seize and remove the same, and the expense of such seizure and removal, and the keeping and storing such net, pound or other means or device aforesaid, shall be a county charge against the county in which the same shall have been so seized, and shall be paid as other county charges are paid, on the certificate, which shall be final, of such protector; and the amount so paid, or to be paid, shall be a first lien in favor of the county paying, or liable to pay, such expense upon such net, pound, or other means or device, which may be sold by any of said protectors or by the sheriff, to repay the sum paid by any county, or which it may be liable to pay, as above provided.

§ 3. The said protectors, or any one of them, may without warrant arrest any person violating any of the provisions of any statute now or hereafter enacted and in force at the time for the protection of moose, wild deer, birds and fish, or any of them, and take such person before

a justice of the peace, or police justice, or other magistrate having jurisdiction, who shall proceed without delay to hear, try and determine the matter, and give and enforce judgment according to the allegations and proofs.

§ 4. The traveling expenses, not to exceed two hundred and fifty dollars for each of such protectors in any one year, to be audited by the comptroller of this State before payment, and an annual salary of five hundred dollars, shall be paid to each protector by the treasurer of the State out of any moneys not otherwise appropriated. Travelling expenses and salary.

§ 5. A sum not exceeding six thousand dollars is hereby appropriated to meet the provisions of this act. Appropriation.

§ 6. This act shall take effect immediately.

CHAP. 592.

AN ACT establishing an agricultural experiment station.

PASSED June 26, 1880; three-fifths being present.

Agricultural experiment station.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of promoting agriculture in its various branches by scientific investigation and experiment, an institution is hereby established to be called and known as The New York Agricultural Experiment Station. Institution established.

§ 2. The management of this institution shall be committed to a board of control, whose members shall be selected and appointed as follows: One member shall be appointed by each of the following agricultural organizations of the State of New York, at their first annual meeting after the passage of this bill, viz.: The State Agricultural Society, the State Grange, the American Institute Farmers' Club, the Central New York Farmers' Club, the Western New York Farmers' Club, the Elmira Farmers' Club, and the Western New York Horticultural Society. Two members shall be appointed by the board itself, thus making nine appointed members in all. Whenever the dairy interests of the State shall be represented by one State association, it shall appoint one member of the board in place of one appointed by the board itself. The governor of the State, and also the person appointed as hereinafter provided to be director of the station, shall be ex-officio members of the board of control. In order to effect the immediate organization of the station, on the passage of this bill the presidents of these several societies or associations, together with the master of the State Grange, shall ex-officio constitute the first board of control, and shall hold their offices in the same till their places shall be filled at the next annual meeting of their respective societies or associations. Management of, to be under board of control to be appointed by societies named, etc.

Ex-officio members.

§ 3. Within thirty days after the passage of this act this board of control, consisting of the governor, the presidents of the societies or associations above named, and the master of the State Grange, shall meet at the call of the governor in the city of Albany, shall choose from their number a president and secretary, and shall then proceed to choose the other two members of the board and a treasurer. The president, secretary and treasurer shall be elected annually, and shall hold their offices till their successors shall be elected. Six members of the board shall constitute a quorum for the transaction of business. Meeting on call of governor to organize, etc.

President and secretary.

Quorum.
Members
to be di-
vided into
classes;
terms of
office of.

§ 4. At the first meeting of the board of control they shall divide themselves by lot into three classes; the members of the first class, or those appointed by their respective societies or associations to take their places on the board, shall hold office till the time fixed for the first annual meeting of the board; the members of the second class, or their appointed substitutes, till the second annual meeting thereafter, and the members of the third class till the third annual meeting thereafter. All members of the board thereafter chosen or appointed, except those appointed to fill vacancies, ad interim, shall hold office three years. A vacancy occurring in the board of control from any cause shall be filled by the society or association represented by the member that occupied the place that has become vacant; but if for any reason such vacancy shall not be filled in this manner at the time of the next regular annual meeting of the proper society or association, said vacancy shall be filled by the board itself.

Vacancy.

**Annual
meeting.**

§ 5. Said board of control shall meet annually after the first meeting thereof at such time and place as may be appointed by the board, and at such other times and places upon the call of the president as may be deemed necessary, and may fill vacancies which may occur in the offices of the board.

**Board to
locate and
manage
station
and shall
appoint
director,
duty of,
etc.
Power to
own real
estate, etc.**

§ 6. Said board of control shall locate and have the general management of the station, and shall appoint a director, who shall have the general management and oversight of the experiments and investigations which shall be necessary to accomplish the objects of said institution, and shall employ competent and suitable chemists and other persons necessary to the carrying on of the work of the station. It shall have power to own, hold and convey any such real and personal property as may be necessary for carrying on its work, and to receive title to the same by deed, devise or bequest in the name of the institution. It shall have the direction of the expenditure of all moneys appropriated by the State and the income from all funds and endowments which it may receive from other sources, and may sue and be sued, plead and be impleaded in all courts in the name of the New York Agricultural Experiment Station. Said board shall make an annual report to the legislature.

Appropriation.

§ 7. The sum of twenty thousand dollars annually is hereby appropriated to said New York Agricultural Experiment Station for two years, out of any money in the treasury not otherwise appropriated, which shall be paid to the treasurer of said board of control, at such times and in such sums as said board may require, upon the order of the comptroller of the State, who is hereby directed to draw his order for the same on the treasurer of the State. And the treasurer of said board of control shall be required, before entering upon the duties of his office, to give bond with surety to the treasurer of the State in the sum of ten thousand dollars, for the faithful discharge of his duties as such treasurer.

**Treasurer
to give
bond.**

**Traveling
expenses
to be paid.**

§ 8. Every member of the said board may, by a vote thereof, be paid his necessary traveling expenses, as well as those incurred by him while in actual attendance upon the meetings of the said board; but no member shall receive as such any other remuneration for his services in attendance on the meetings of the board.

Rules, etc.

§ 9. Said board of control shall make such rules and regulations as may from time to time become necessary to carry out the objects of the station.

§ 10. This act shall take effect from its passage.

CHAP. 594.

AN ACT to provide for the revision of the special and local laws affecting public interest in the city of New York. New York City.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Within twenty days after the passage of this act the counsel to the corporation of the city of New York shall appoint two persons, who together with himself shall constitute and form a commission to revise all the special or local laws affecting public interests in the city of New York which shall be in force at the time such commissioners shall make their final report, or at such time prior thereto as said commissioners shall find advisable. In making such revision the said commissioners shall not make any change in the meaning of existing laws, but shall seek to simplify and to mould into consistent acts all existing statutes upon matters embraced in such special and local laws. They shall not include in such revision any special acts relating to corporations or societies except such as are entitled to receive money from the city, or those to whose care children or criminals are, under existing laws, committed. Commission to revise special and local laws.

§ 2. When the said commissioners shall have completed said revision, or any portion thereof, the same shall be printed in the same manner as printing is now done for the mayor, aldermen and commonalty of the city of New York, and shall be distributed by said commissioners to those whose advice is desirable, and thereafter they shall complete their revision and submit the same to the legislature. Laws not to be changed.

§ 3. Each of said commissioners, except the counsel to the corporation, shall receive for his services herein the sum of five thousand dollars, to be paid by the comptroller of said city in three equal payments, in the first day of October and the first day of December in the year eighteen hundred and eighty, and on the submission of their report to the legislature; the said commissioners shall be allowed for expenses of clerical services and incidental expenses a sum not to exceed five thousand dollars, to be paid from time to time upon their requisition therefor upon the comptroller of said city. And to provide for the compensation and expenses herein mentioned, the comptroller shall issue revenue bonds payable from the taxes for the year eighteen hundred and eighty-one, and an amount sufficient to redeem said revenue bonds shall be included by the board of estimate and apportionment, in the final estimate for the year eighteen hundred and eighty-one. When revision is completed same to be printed and submitted to the legislature.

§ 4. Any vacancy occurring in such commission shall be filled by the said counsel to the corporation. Compensation of commissioners.

§ 5. This act shall take effect immediately. Revenue bonds to issue to pay same.

CHAP. 595.

New York City. **AN ACT** to authorize the reading in courts and proceedings of the compilation entitled "The special and local laws affecting public interests in the city of New York, and to declare the effect thereof."

PASSED June 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Volume may be read in evidence.

Presumptive evidence of special and local laws.

SECTION 1. The volume entitled "The special and local laws affecting public interests in the city of New York," and printed by order of the legislature of eighteen hundred and eighty, may be read in evidence and cited in any court or proceeding. Said volumes shall be considered as containing presumptively all special or local laws affecting public interests in force in the city of New York, on the first day of January, eighteen hundred and eighty, but this presumption shall not be considered as extending to special laws relating to any corporation (other than the mayor, aldermen and commonalty), or to any association or society, nor shall the insertion or omission of any law relating to any such corporation be construed as in any manner affecting the corporate existence of any such corporation or its possession of its franchises.

CHAP. 596.

Banking. **AN ACT** to provide for the taxation of banks and of moneyed capital engaged in the business of banking, receiving deposits or otherwise.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Foreign corporations, etc., engaged in banking to pay state tax of one-half of one per cent on capital.

SECTION 1. Every corporation, company or joint stock association created under the laws of any other State or country, and the managers or agents of every such corporation, company or joint-stock association, who receive deposits, loan money, sell bills of exchange or issue letters of credit, or in any other manner are engaged in business as bankers in this State, shall annually, on or before the first day of February in each year, pay to the comptroller a State tax of one-half of one per cent on the average of all sums of money used or employed by them in this State during the year ending the preceding thirty-first day of December.

To make returns and pay tax to comptroller.

§ 2. It shall be the duty of every corporation, company, joint-stock association and of the officers, managers or agents thereof, who, under the provisions of this act, are liable to pay a State tax, to make return to the comptroller in writing on or before the first day of February in each year, of the State tax to which they are so liable, and of the deposits or sums of money used or employed respectively on which such tax is based, which return shall be verified by oath or affirmation, and for any failure or neglect to make such return or pay said tax, a penalty of ten per centum on the amount of tax due is hereby imposed;

such penalty and the tax to be recovered by the people of this State, in an action to be brought in any court of competent jurisdiction, by the attorney-general at the instance of the comptroller.

§ 3. The stockholders in every bank, banking association or trust company, organized under the authority of this State, or of the United States, shall be assessed and taxed on the value of their shares of stock therein; said shares shall be included in the valuation of the personal property of such stockholders in the assessment of taxes at the place, city, town or ward where such bank, banking association or trust company is located, and not elsewhere, whether the said stockholder reside in said place, city, town or ward or not, but in the assessment of said shares, each stockholder shall be allowed all the deductions and exemptions allowed by law in assessing the value of other taxable personal property owned by individual citizens of this State, and the assessment or taxation shall not be at a greater rate than is made or assessed upon other moneyed capital in the hands of individual citizens of this State. In making such assessment there shall also be deducted from the value of such shares such sum as is in the same proportion to such value as is the assessed value of the real estate of the bank, banking association or trust company, and in which any portion of their capital is invested, in which said shares are held, to the whole amount of the capital stock of said bank, banking association or trust company; nothing herein contained shall be held or construed to exempt the real estate of banks, banking associations or trust companies from either State, county or municipal taxes; but the same shall be subject to State, county, municipal, and other taxation to the same extent and rate, and in the same manner according to its value as other real estate is taxed.

§ 4. There shall be kept at all times in the office where the business of each bank, banking association or trust company, organized under the authority of this State, or of the United States, shall be transacted, a full and correct list of the names and residences of all the stockholders therein, and of the number of shares held by each; and such list shall be subject to the inspection of the officers authorized to assess taxes, during the business hours of each day in which business may be legally transacted. The managers or agents of any corporation, company or joint-stock association mentioned in the first section of this act, shall keep at all times in the office where the business of such corporation, company or joint-stock association is transacted in this State, a full and accurate account of the moneys used or employed, and of the deposits therein; and such account shall be subject to the inspection of the comptroller or of any clerk designated by him to inspect the same during business hours of any day on which business may be legally transacted.

§ 5. When the owner of stock in any bank, banking association or trust company, organized under the laws of this State, or of the United States, shall not reside in the same place where the bank, banking association or trust company is located, the collector and county treasurer shall, respectively, have the same powers as to collecting the tax to be assessed by this act as they have by law when the person assessed has removed from the town, ward, or county in which the assessment was made, and the county treasurer, receiver of taxes, or other officer authorized to receive such tax from the collector, may all or either of them have an action to collect the tax from the avails of the sale of his shares of stock, and the tax on the share or shares of said stock shall be and remain a lien thereon from the day when the property is

Tax on stockholders in banks, etc.

To be assessed where bank is located.

Deduction in making assessment.

Correct list of stockholders to be kept in bank subject to inspection.

Account of moneys used, etc.

Collection of tax.

by law assessed, till the payment of said tax, and if transferred after such day, the transfer shall be subject to such lien.

Duty of
bank, etc.,
in relation
to collec-
tion of tax.

§ 6. For the purpose of collecting the taxes to be assessed under sections three, four and five of this act, and in addition to any other law of this State, not in conflict with the constitution of the United States relative to the imposition of assessment and collection of taxes, it shall be the duty of every such bank, banking association, or trust company, and the managing officer or officers thereof, to retain so much of any dividend or dividends belonging to such stockholder as shall be necessary to pay any taxes assessed in pursuance of sections three, four and five of this act until it shall be made to appear to such officer or officers that such taxes have been paid.

§ 7. This act shall take effect immediately.

EXTRACTS FROM SUPPLY, ETC., BILLS.

[Some provisions contained in the appropriation and deficiency bills, which are of general and permanent importance, are for greater convenience printed here.

The following paragraph is from chap. 193, L. of 1876, being the deficiency bill of that year, and passed May first:]

Fees of
sheriffs for
transporting
prisoners.

"Hereafter the compensation of sheriffs for transporting convicts to the several State prisons, houses of refuge and penitentiaries of this State shall not exceed twenty cents for each mile for each convict, when not exceeding two convicts are conveyed."

(See, in connection with the above, the extract from chap. 128, L. 1877, *post*.)

The following paragraph is also from chap. 193, L. 1876. A similar provision was inserted in chap. 634, L. 1875.

Health
officer to
appoint
policemen,
etc.

"The health officer shall appoint at least four policemen, whose services shall be paid for by him, and may dismiss them or either of them at pleasure, and appoint others in their places. Such policemen shall perform patrol and police duty under the direction of the health officer, in connection with the quarantine establishment, and upon the waters of the bay of New York; and they shall possess all the powers possessed by policemen in the cities of New York and Brooklyn; and any person arrested by either of said policemen for violating any law or regulation relating to quarantine, in said port, may be taken by him before any court of criminal jurisdiction, or any magistrate or police justice within the county of Richmond, and thereupon the court, magistrate or police justice before whom such offender shall be brought, shall have jurisdiction to hear, try and punish the offender for the offense committed by him in the same manner and with the like effect as if the same had been committed within the limits over which such court, magistrate or police justice has jurisdiction to punish for offenses under existing laws."

From chap. 128, L. 1877, passed April 14, 1877.

Fees of
sheriffs
for trans-
portation
of convicts
to prisons,
etc.

"Hereafter, the compensation to sheriffs for conveying one convict to a State prison or penitentiary from the county prison, for each mile actually traveled twenty cents; for conveying two convicts, for each mile so traveled thirty-five cents; for conveying three convicts, for each mile so traveled forty cents; and for conveying four or more convicts, for each mile so traveled twelve cents each; with one dollar per day for the maintenance of each convict while on the way to a State prison or penitentiary, but not exceeding one dollar for every thirty miles of travel, in full of all charges and expenses in the premises."

From chap. 252, L. 1878 (passed May 13, 1878), the following paragraphs.

"The comptroller is hereby authorized and empowered, whenever he shall deem it necessary, to examine, or cause to be examined, the financial affairs and business administration of any asylum for the insane, State prison, reformatory, house of refuge, or other charitable or penal institution receiving appropriations from the State treasury; and for that purpose the comptroller, or the agent designated by him to conduct such examination, shall have power to administer oaths and to subpoena witnesses, and shall have free access to all account books, vouchers and records of any institution which shall be investigated in pursuance of this authority, and the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to carry this provision into effect."

Comptroller to examine penal and charitable institutions.

(Referring to chap. 495, L. 1875, *ante*, p. 165.)

"—from and after the said thirtieth day of September, eighteen hundred and seventy-eight, said section six, and also section twenty-nine of said chapter four hundred and ninety-five, are hereby repealed."

Repeal of sections 6 and 29 ch. 495, L. 1875.

Ante, vol. 9, p. 891 (section six).

From the Deficiency Bill of 1880 (chap. 549, passed June 7, 1880), the following paragraph:

"—the State board of charities is hereby authorized to cause the removal to the countries whence they came, of any crippled, blind, lunatic or other infirm alien paupers sent to this country by cities or towns in the various governments of Europe, or by societies, relatives or friends, and who may be found in any poor-house, alms-house or other institutions of charity in this State."

The following paragraph from chap. 91 of the Laws of 1879:

"Hereafter no person who has not resided within this State for at least one year next prior to application for his or her admission into any State asylum for the idiotic, blind, insane or deaf and dumb, shall be admitted as an inmate therein."

CONCURRENT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY.

CONCURRENT RESOLUTION

Proposing an amendment to section twelve of article six of the constitution.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Resolved (if the assembly concur), That section twelve of article six of the constitution be amended so as to read as follows :

§ 12. The superior court of the city of New York, the court of common pleas for the city and county of New York, the superior court of Buffalo and the city court of Brooklyn are continued with the powers and jurisdiction they now severally have, and such further civil and criminal jurisdiction as may be conferred by law. The superior court of New York shall be composed of the six judges in office at the adoption of this article and their successors. The court of common pleas of New York, of the three judges then in office and their successors, and three additional judges. The superior court of Buffalo, of the judges now in office and their successors, and the city court of Brooklyn, of such number of judges not exceeding three as may be provided by law. The judges of said courts in office at the adoption of this article are continued until the expiration of their terms. A chief judge shall be appointed by the judges of each of said courts from their own number, who shall act as such during his official term. Vacancies in the office of the judges named in this section, occurring otherwise than by expiration of term, shall be filled in the same manner as vacancies in the supreme court. The legislature may provide for detailing judges of the superior court and court of common pleas of New York, to hold circuits and special terms of the supreme court in that city ; for detailing judges of the city court of Brooklyn, to hold circuits and special terms of the supreme court in Kings county, and for detailing judges of the superior court of Buffalo, to hold circuit courts of oyer and terminer and special terms of the supreme court, as the public interest may require.

Resolved (if the assembly concur), That the foregoing amendment be referred to the legislature, to be chosen at the next general election

CONCURRENT RESOLUTIONS.

of senators, and that in conformity to section one of article thirteen of the constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK:
IN SENATE, May 4, 1880.
The above resolution was duly passed.
By order of the senate.
JOHN W. VROOMAN,
Clerk.

STATE OF NEW YORK:
IN ASSEMBLY, May 30, 1880.
The above resolution was duly passed.
By order of the assembly.
EDWARD M. JOHNSON,
Clerk.

CONCURRENT RESOLUTION

Proposing an amendment to article six of the constitution.

Resolved (if the assembly concur), That sections twelve and thirteen of article six of the constitution be amended so as to read as follows:

§ 12. The superior court in the city of New York, the court of common pleas for the city and county of New York, the superior court of Buffalo, and the city court of Brooklyn are continued with the powers and jurisdiction they now severally have, and such further civil and criminal jurisdiction as may be conferred by law. The superior court of New York shall be composed of the six judges in office at the adoption of this article, and their successors. The court of common pleas of New York, of the three judges then in office, and their successors, and three additional judges. The superior court of Buffalo, of the judges now in office, and their successors; and the city court of Brooklyn, of such number of judges, not exceeding three, as may be provided by law. The judges of said courts in office at the adoption of this article are continued until the expiration of their terms. A chief judge shall be appointed by the judges of each of said courts from their own number, who shall act as such during his official term. Vacancies in the office of the judges named in this section, occurring otherwise than by expiration of term, shall be filled in the same manner as vacancies in the supreme court. The legislature may provide for detaching judges of the superior court and court of common pleas of New York to hold circuits and special terms of the supreme court in that city; and for detaching judges of the city court of Brooklyn, to hold circuits and special terms of the supreme court in Kings county as the public interest may require.

§ 13. Justices of the supreme court shall be chosen by the electors of their respective judicial districts. Judges of all the courts mentioned in the last preceding section shall be chosen by the electors of the cities respectively in which the said courts are instituted. The official terms of the said justices and judges who shall be elected after the adoption of this article shall be fourteen years from and including the first day of January next after their election. But no person shall hold the office of justice or judge of any court longer than until and including the last day of December next after he shall be seventy years of age. The compensation of every judge of the court of appeals, and of every justice of the supreme court, whose term of office shall be abridged pursuant to this provision, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected.

And whereas the foregoing amendment to the constitution was agreed to by a majority of the members elected to each of the two houses in the year eighteen hundred and seventy-nine, and was entered

on the journal with the yeas and nays taken thereon and referred to this legislature after publication thereof for three months previous to the last general election of senators.

Resolved (if the assembly concur), That the foregoing amendment be submitted to the people of the State of New York at the next general election.

STATE OF NEW YORK:
IN SENATE, April 30, 1880.
The above resolution was duly passed.
By order of the senate.
JOHN W. VROOMAN,
Clerk.

STATE OF NEW YORK:
IN ASSEMBLY, May 25, 1880.
The foregoing resolution was duly passed.
By order of the assembly.
EDWARD M. JOHNSON,
Clerk.

CONCURRENT RESOLUTIONS

Proposing amendments to article seven of the constitution, and providing for the maintenance of the canals by the revenues thereof.

Resolved (if the senate concur), That section three of article seven of the constitution be amended so as to read as follows:

§ 3. The debts mentioned in the preceding sections of this article having been fully paid or provided for, and no longer liens upon the revenues of the canals, the surplus revenues of the canals, after paying the cost of collection, superintendence and ordinary repairs, shall in each fiscal year be credited to the reserve fund created under the sixth section of this article, and held to meet appropriations as therein provided. The rates of toll, established for the year one thousand eight hundred and eighty, on persons and property transported on the canals, shall neither be increased nor reduced except by the canal board, with the concurrence of the legislature. All contracts for work or materials on any canal shall be made with the person who shall offer to do or provide the same at the lowest price with adequate security for their performance. No extra compensation shall be made to any contractor; but if from any unforeseen cause the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract. The legislature shall not sell, lease, or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal; but they shall remain the property of the State, and under its management forever.

Resolved (if the senate concur), That section five of article seven of the constitution be amended so as to read as follows:

§ 5. There shall annually be imposed and levied a tax which shall be sufficient to pay the interest, and extinguish the principal of the canal debt, as the same shall become due and payable, and the proceeds of such tax shall, in each fiscal year, be appropriated and set apart for the sinking fund constituted for the payment of the principal and the interest of the aforesaid debt.

Resolved (if the senate concur), That section six of article seven of the constitution be amended so as to read as follows:

§ 6. There shall be created a canal repair trust fund, under the control and management of the commissioners of the canal fund, which shall be made up and sustained in the following manner:

1. By the transfer thereto of any unexpended moneys remaining in the treasury at the time of the adoption of this section, belonging to the canal fund and standing on the books of the canal department to

CONCURRENT RESOLUTIONS.

the credit of the "fund for extraordinary repairs," the "fund for the enlargement of the Champlain canal," and the "fund for the reconstruction of the Oneida Lake canal."

2. From the surplus revenues in each fiscal year, after paying the expenses of collection, superintendence and ordinary repairs of the canals.

All of which fund so hereby created shall be separately kept and safely invested by the commissioners of the canal fund, and may under the direction and enactment of the legislature from time to time be appropriated, to make good any failure in the revenues to meet the appropriations for the ordinary expenditures, or for the permanent improvement of the canals.

Resolved (if the senate concur), That the foregoing amendments be referred to the legislature to be chosen at the next general election of senators, and that in conformity with section one of article thirteen of the constitution, they be published for three months previous to the time of such election.

STATE OF NEW YORK:
IN SENATE, May 24, 1890.
The foregoing resolutions were duly passed.
By order,
JOHN W. VROOMAN,
Clerk.

STATE OF NEW YORK:
IN ASSEMBLY, May 4, 1890.
The foregoing resolutions were duly passed.
By order,
EDWARD M. JOHNSON,
Clerk.

CONCURRENT RESOLUTION

Authorizing the secretary of State to compile, publish and distribute the election laws of the State.

Resolved (if the assembly concur), That the secretary of State be, and he is hereby authorized and directed to cause the election laws now in force in this State, or which may become laws at this session of the legislature, to be compiled and published in pamphlet form, with such notes, explanations, forms and instructions, as in his opinion may be necessary; and that he cause the same when published to be distributed through the several county clerks, in sufficient number to supply a copy to each of the several town clerks, and inspectors of election in this State; and that the same be so distributed on or before October first, eighteen hundred and eighty.

STATE OF NEW YORK: }
IN SENATE, May 25, 1890. }
The above resolution was duly passed.
By order of the senate,
JOHN W. VROOMAN,
Clerk.

STATE OF NEW YORK: }
IN ASSEMBLY, May 27, 1890. }
The above resolution was duly passed.
By order of the assembly,
EDWARD M. JOHNSON,
Clerk.

APPENDIX A,

Showing what Statutes in the preceding volumes of this edition have been expressly amended or repealed, with a reference to the amending or repealing Statute.

[The reference to the amending or repealing statute will be found in the right-hand columns. Those statutes which have been amended by acts which do not refer to any particular section or provision of the amended act are noted as amended generally ("Gen."). Chapters or sections which were obviously intended to be affected by amending acts, but which were in such acts wrongly described, are noted as amended "in intention." No attempt has been made to interpret the general repealing sections which provide that "all acts and parts of acts inconsistent herewith," etc., are repealed. Acts which are professedly "supplementary" are so noted. The mention of separated sections (as 9-16) is always to be understood as "inclusive." In other respects it is thought the table will be self-explanatory.—Ed.]

REVISED STATUTES—PART I.

Vol.	Page.	Chapter.	Title.	Section.	Remarks.	Year.	Ch.
I.	96-103	V	4	.....	Repealed (except as noted below)	1880	245
	101-103		4	35-50 Art. 4.	In force.....		
	116-149	VI	.....	.....	Amended (gen.).....	1870	388
	116-17		1	.....	Section 6 added by.....	1878	354
	118		1	6, subdiv. 3.	Amended.....	1872	698
	118		1	do	do.....	1877	323
	122		8	16	do.....	1880	437
	126		4	9, subdiv. 1.	do.....	1880	553
	127		4	17	do.....	1875	188
	127-8		4	18	Repealed.....	1870	388
	128		4	23	Amended.....	1875	188
	129		4	24	do.....	1880	553
	138		5	40	do.....	1876	287
	144		6	29	do.....	1877	28
	145-7		7	.....	Section 16 added by.....	1878	354
	163	VIII	1	4	Amended.....	1880	86
	166		2	1	do.....	1880	86
	181		5	10-14	Repealed.....	1880	245
	183-4		7	.....	do.....	1880	245
	205	IX	5	47	Amended.....	1875	572
	220		9	17	do.....	1880	99
	221		9	18	do.....	1880	99
	221		9	23	do.....	1870	222
	226		9	48	Amended (in intention).....	1866	838
	254-6		12&13	.....	Repealed.....	1880	245
	319	XI	3	21	Amended (in intention).....	1872	788
	320		3	31	Amended.....	1874	543
	326		4	30	do.....	1871	635
	326		4	30	do.....	1877	327
	326		4	31	do.....	1871	635
	326		4	32	do.....	1871	635
	327		4	39	do.....	1871	635
	341	XII	2	15	Repealed (?).....	1875	482
	341-2		2	18	Amended.....	1874	502
	342		2	25	do.....	1879	447
	354-5		2	87	do.....	1871	239
	360	XIII	1	2	do.....	1873	530

Vol.	Page.	Chapter.	Title.	Section.	Remarks.	Year.	Ch.
I.	380	XIII	1	4, subdiv. 2.	Amended	1878	*191
	361		2	2	do	1878	132
	363		2	4	do	1871	†287
	410	XV	1	51	do	1876	132
	410		1	52	do	1876	132
	463	XVI	1	13	do	1864	325
	463		1	13	do	1880	308
	468		1	32	do	1876	348
	468		1	35	do	1880	308
	469		1	38-40	do	1880	308
	470		1	45	do	1880	308
	470		1	47	do	1868	791
	470		1	47	do	1870	461
	471		1	50	do	1868	791
	471		1	50	do	1870	461
	471		1	50	do	1877	187
	471		1	53	do	1865	522
	473		1	57	do	1873	773
	473-4		1	60	do	1873	315
			1	60	do	1874	613
			1	60	do	1875	431
			1	60	do	1878	271
			1	60	do	1877	465
	481		1	103	do	1870	125
			1	103	do	1878	245
	482		1	104	do	1878	245
	485		1	122	do	1875	22
	490	XVII	1	3	do	1880	306
	532-3		4	1	do	1880	67
	560	XVIII	4	4	Last clause repealed	1880	245
	562		4	11	Amended	1871	663
	591	XX	5	2	do	1879	142
	643		12	1	do	1869	493

PART VI.

	680	Chap. I.	2	67	Amended	1875	545
	693-4		3	18-24	Repealed	1840	245
	696		4	4-6	do	1880	245
	699-700		5	3	do	1880	245
	700-1		5	5-9	do	1880	245
	710-11	III		16-17	do	1877	417
	712-13			27	do	1877	417
	725	IV	8	1	Amended	1879	538
II.	1-40	V	1	† Art. 1-7	Repealed	1880	245
	53-7		2		do	1880	245
	57		2	23	Amended	1880	423
			2	25	do	1865	724
	58	VI	1	1	do	1867	722
	53-60		1	6-20	Repealed	1880	245
	61		1	21	Amended	1867	722
	61-3		1	28-39	Repealed	1880	245
	65		1	49	Amended	1869	22
	66-70		1	54-63(6)	Repealed	1880	245
	71		2	1	do	1880	245
			2	3	Amended	1873	79
	71-3		2	6-14	Repealed	1880	245
	72		2	7	Amended	1873	657
	73-4		2	17-21	Repealed	1880	245
	75		2	23-26	do	1880	245
	76		2	27	Amended	1867	722
			2	30	Repealed	1867	722
	77		2	31	do	1880	245

* Chap. 191, L. 1878, repealed by chap. 140, 1879. † This amending act repealed by chap. 255, L. 1872. ‡ Art. 1 also repealed by L. 1877, chap. 417.

APPENDIX — A.

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Vol.	Page.	Chapter.	Title.	Section	Remarks.	Year.	Ch.
II.	77-83	VI	3	35-59	Repealed	1880	245
	88		3	1	Amended	1873	225
	87-8		3	17-22	Repealed	1880	245
	90		3	31-2	do	1880	245
	91		3	38	do	1880	245
	92		3	39	Last three lines repealed	1880	245
	92		3	40-2	Repealed	1880	245
	94-5		3	52-6	do	1880	245
	95-6		3	58	Last sentence repealed	1880	245
	96-9		3	59-74	Repealed	1880	245
	99		3	72	Amended	1878	80
	101		3	79	do	1867	782
	101-2		3	80-88	Repealed	1880	245
	104-18		4	1-54	do	1880	245
	109		4	80	Amended	1880	231
	118		4	57	Repealed	1880	245
	114-17			59-75	do	1880	245
	118-21		5	7-22	do	1880	245
	121		5	24	do	1880	245
	137		6	74	Amended	1877	456
	145	VIII	1	8, subdiv. 4	Added	1877	430
			1	11	Amended	1873	25
	146		1	13, subdiv. 1	do	1873	25
	147-52		1	20-48	Repealed	1880	245
	152		1	49	Amended	1879	164,
			1	49	do	1879	321
	152-4		1	50-60	Repealed	1880	245
	156		3	1	Amended	1871	82
	157-9		3	4-18	Repealed	1880	245
	157		3	6	Amended	1870	341
			3	do	do	1871	708
	158-9			14	Amended	1874	469

PART III.*

170-2	I	1	1-23	In force		
213-16		4	28-42	do		
217-18		5	4-7	do		
219		5	11	do as to General Sessions		
219		5	14	do do do		
220-24		5	20-1	do as regard Gen. Sess. & C.P.		
225		5	24-5	do		
225-6		5	27-9	do		
243	III	4	15	Amended	1876	277
245		4	23-4	In force		
261-2		4	112	Amended	1873	146
263		4	118	do	1875	334
275		4	231	In force		
281		4	268-70	do		
293	III	2	40-41	do		
294		2	44-5	do		
294		2	48	do		
295-7		2	54-61	do		
318	V	1	37	Amended	1878	292
410	VII	3	14	do	1875	420
414		3	29-81	do	1867	68
421-2		3	63-70	In force		
435		4	47	Amended	1876	69
449		6	28	do	1873	299
467	VIII	3	1-2	In force		
468		3	11	do		
468-9		3	17-18	do		

[* NOTE.—All of Part III of the Revised Statutes, was repealed by Laws of 1880, chap. 245, except certain portions which in this table are designated as "In Force." Portions not so marked are to be considered as repealed.]

Vol	Page.	Chapter.	Title	Section.	Remarks.	Year.	Ch.
IL	477	VIII	4	2	Amended	1873	634
			4	8	do	1875	508
	484-5		4	42	In force		
	490-4		4	66-87	do		
	496-7		4	102-6	do		
	512		7	18, sub. 1&3	Amended	1869	433
	513		7	16	do	1869	433
	528-34		10	24-53	(Art. 2) amended generally	1863	189
	529		10	28	Amended	1879	101
			10	28, subdiv. 4	do	1874	208
	529-30		10	30	do	1868	838
	530		10	32	do	1868	838
	533		10	47	do	1868	528
	534		10		Secs. 55-64 were added to this title by amendment	1868	764
	535-8		11		In force		
	568-70		16		do		
			16		This title amended and superseded	1869	886
	575-6		17	27	In force		
	575-6	VIII	17	27	Amended	1874	894
	576		17	28-30	In force		
			17	32	do		
	577		17	35	do		
	594	IX	1		Sec. added to Art. 2 by	1873	663
	644	X	2	4	Amended	1875	305
	645		2	5	do	1875	305
			2	6	do	1875	16
	646		3	1	In force		
	666-7		3	41	do		
	667		3	42	do		
	668-9		3	51	do		
			4	1, 2 and 4	do		

* The section added by this act was therein described as " sec. 90."

PART IV.

675	I	1	.....	Act supplementary to this chapter	1865	212
677		1	5	Amended	1873	644
		1	5	do	1876	333
679 (a)		1	28	do	1873	644
683-4		2	27	do	1880	449
687		3	7	do	1869	873
698		3	59	do	1874	207
699		3	62	do	1865	905
702		4	5	Amended	1867	732
710		5	13	do	1879	24
712		6	2	do	1878	288
714		6	8, subd. 6	do	1880	19
717		6	27	do	1867	871
728		7	12	do	1863	415
744	II	4	6	do	1880	22
747		4	23	do	1873	526
		4	23	do	1876	365
749		4	37	do	1873	130
756		4	76 and 78	do	1878	24
765		6	15	do	1879	459
		6	16	do	1876	95
786	III	2	34, subdiv. 1	do	1881	451
788		2	34, do 15	do	1884	451
789		2	40	do	1880	399
		2	40	do	1874	451
						451

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II.	792	III	2	48, subd. 10	Amended.....	1874	451
	798	2	61	do	1874	451
	799	2	64	do	1874	451
	802-3	.....	2	69	do	1874	451
	804	.....	2	74	do	1874	451
	812	.....	2	109 (?)	do	1874	10
	816	.....	2	183	do	1872	*783
	819	.....	3	150-1	do	1880	†416

* Section amended by this act was therein called "section 156."

† These sections are described in the amending act as "sections 197 and 198."

GENERAL LAWS.

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III.	22	1855	64	6	Amended.....	1875	40
	34	1849	28	do	1867	406
	35	1851	488	Repealed in part	1877	417
	48	1847	276	15	Repealed	1877	417
	56	1845	280	8	Amended	1870	215
	.....	.....	280	6	do	1868	845
	.....	.....	280	6	.....	1871	194
	.....	.....	280	6	.....	1874	416
	57	1846	24	8	Amended.....	1870	113
	61	1847	254	9, subd. 4.	do	1874	15
	76	1837	150	.....	Amended (gen.).....	1864	553
	82	1837	150	18	Amended (in intention).....	1880	517
	86	1837	150	33	do	1878	233
	104	1840	358	2	do	1874	508
	152	1836	287	4	Amended (in intention).....	1866	836
	152	1836	287	6	do do do	1866	836
	161	1841	160	1	Repealed in part.....	1876	384
	179	1853	53	1	Amended	1874	172
	190	1857	105	.....	Amended (gen.).....	1867	577
	193	1857	267	.....	do do	1869	361
	217	1859	346	33	do	1872	599
246-298	1862	1862	477	.....	do	1863	425
.....	1862	1862	477	.....	do	1864	334
.....	1862	1862	477	.....	do	1865	612
.....	1862	1862	477	.....	do	1866	809
.....	1862	1862	477	.....	do	1867	502
.....	1862	1862	477	.....	do	1868	651
.....	1862	1862	477	.....	do	1869	778
	302	1840	238	2	Repealed.....	1880	245
	308	1845	180	29	Amended.....	1876	96
	311	1847	197	8	do	1870	267
	313	1847	455	5	do	1872	815
	317	1847	455	16	do	1875	474
	318	1847	455	26	Repealed in part.....	1875	474
	322	1859	476	1	Amended.....	1875	176
	326	1837	465	1	Repealed	1880	245
	329	1846	189	1	Amended.....	1871	110
	331	1849	194	.....	Supplemented	1880	336
331-2	1849	194	1	.....	Amended.....	1871	18
331-2	1849	194	2	.....	do	1870	*597
332-4	1849	194	4, subd. 15	.....	Added by	1870	361
332-4	1849	194	4, subd. 16	.....	do	1873	191
334-5	1849	194	10	.....	Repealed	1875	432
335-6	1851	211	do	1877	417
336	1852	304	1	Amended	1870	752

* Chap. 597, L. 1870, repealed by chap. 336, L. 1880.

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III.	840	1858	213	Repealed	1880	245
	848	1846	327	1	Amended	1873	809
	848	1846	327	2 and 3	do	1873	809
	853	1853	69	.....	do	1879	492
	355	1855	327	1	do	1869	859
	357	1855	427	.....	Amended (gen.)	1870	280
	358	1855	427	5	Amended	1876	101
	359	1855	427	9	do	1878	153
	360-1	1855	427	16-21	do	1878	153
	361	1855	427	27	do	1878	152
	362	1855	427	33-4	do	1878	152
	363	1855	427	37-8	do	1878	152
	364	1855	427	41	do	1878	152
	365	1855	427	47	do	1873	120
	365	1855	427	48	Sec.	1878	152
	370	1855	427	77	Amended	1870	280
	370	1855	427	81	do]	1870	280
	371	1855	427	86	do	1878	152
	378	1859	812	9 and 10	do	1874	351
	379	1859	812	.....	Secs. 14 and 15 added by	1873	327
	379	1859	812	15	Amended	1874	351
	.....	1859	812	15	do	1880	80
	379	1862	285	1	Repealed	1870	280
	401	1850	324	3	Amended	1867	790
	.....	1850	324	.....	Subdiv. 9 added to sec. 3.	1870	559
	403	1850	324	4	Amended	1867	790
	403	1850	324	5	do	1868	761
	404-12	1856	147	.....	Repealed	1865	592
	412-3	1857	412	.....	do	1865	592
	415-6	1862	467	1	Amended	1864	544
	416	1862	467	2-3	Amended, probably	1864	544
	433	1855	471	4	Amended	1870	60
	499	1853	402	1	do	1855	410
	499	1853	402	1	do	1864	556
	532	1834	267	1	Superseded. See Vol. I, p. 473 .....	.....	.....
	539	1857	615	2	Amended	1870	242
	540	1857	615	3	Amended (in intention)	1870	242
	544	1860	61	1 and 2	Amended	1876	340
	547-9	1862	459	.....	Repealed	1880	245
	547-9	1862	459	1	Amended	1867	814
	.....	.....	459	1	do	1869	424
	.....	.....	459	1	do	1872	776
	.....	.....	459	2	do	1867	814
	.....	.....	459	3	do	1867	814
	.....	.....	459	4	do	1867	614
	.....	.....	459	5	do	1867	814
	.....	.....	459	5	do	1869	424
	.....	.....	459	5	Sec. 6 changed to "sec. 8."	1867	814
	.....	.....	459	.....	Sec. 7 and new sec. 6 added.	1867	814
	549	1847	210	.....	Amended (gen.)	1876	435
	575	1849	250	4	do	1865	780
	581	1853	626	1	do	1872	128
	600	1853	118	.....	Amended (gen.)	1872	147
	617-37	1850	140	.....	do do	1867	906
	.....	.....	140	.....	do do	1867	775
	.....	.....	140	.....	do do	1869	907
	.....	.....	140	.....	do do	1864	583
	.....	.....	140	.....	Supplemented	1866	697
	619-20	.....	140	9	Amended	1880	133
	620	.....	140	12	do	1871	669
	623	140	18	do	1876	198
	624	140	21	do	1869	237
	624	140	21	do	1877	224
	625	140	22	do	1871	560

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III.	625	1850	140	28	Amended.....	1876	77
	627	140	27	do	1871	669
	627-9	140	28	do	1880	133
	628	.....	140	28, subdiv. 6	do	1872	350
	628	.....	140	do	do	1880	583
	629-33	.....	140	81	do	1880	575
	633	.....	140	82	do	1867	906
	634	.....	140	96	do	1867	49
	635	.....	140	41	do	1871	560
	640	1854	282	1	do	1873	710
	642	1854	282	4	do	1879	541
	652	1857	470	1	do	1868	820
	659	1846	62	1	do	1866	547
	662	1849	899	2	do	1868	106
	671	1862	178	.....	do	1875	573
	672	1862	806	.....	Supplemented.....	1878	401
	674	1862	295	.....	Repealed	1880	245
	677	1842	197	.....	do	1880	245
	680	1845	284	.....	do	1877	417
	681	1848	53	.....	do	1880	245
	682	1852	71	1	do	1880	245
	685	1855	279	.....	do	1877	417
	687-95	1813	60	.....	Supplemented.....	1863	45
	.....	1813	60	.....	do	1871	12
	.....	1813	60	.....	do	1874	37
	.....	1813	60	.....	do	1875	79
	.....	1813	60	.....	do	1875	209
	.....	1813	60	.....	do	1875	381
	.....	1813	60	.....	do	1876	110
	.....	1813	60	.....	do	1876	176
	687-9	1813	60	1	Amended.....	1868	803
	689-90	1813	60	3	do	1867	656
	692-3	1813	60	7	do	1867	756
	692-3	1813	60	7	do	1875	597
	696	1819	33	1	Repealed	1868	803
	698-9	1826	47	1	Amended.....	1875	354
	699	1826	47	3	Limited.....	1868	803
	703	1850	122	2	Amended	1879	117
	705-8	1848	319	.....	Amended (gen.).....	1870	51
	705-6	1848	319	1	do	1872	209
	.....	.....	319	1	do	1872	649
	.....	.....	319	.....	do	1879	252
	706	1848	319	2	do	1872	649
	.....	.....	319	.....	Section 11 added by.....	1875	452
	.....	.....	319	.....	"Section 13" added by.....	1876	190
	716-17	1845	8	.....	Repealed	1878	251
	717-8	1854	123	1	Amended.....	1879	460
	721	1848	265	7	do	1870	491
	721	1848	265	8	do	1875	819
	722-3	1850	340	.....	do	1867	871
	733-40	1848	40	.....	Extended	1863	63
	733-40	1848	40	.....	do	1865	307
	733-40	1848	40	.....	do	1866	371
	733-40	1848	40	.....	Amended (gen.).....	1864	337
	733-40	1848	40	.....	do	1864	517
	733-40	1848	40	.....	do	1866	78
	733-40	1848	40	.....	do	1866	888
	733-40	1848	40	.....	Supplemented.....	1864	517
	733-40	1848	40	.....	do	1865	234
	733-40	1848	40	.....	do	1871	585
	733-40	1848	40	.....	do	1880	85
	733-40	1848	40	.....	Title amended.....	1866	883
	733-40	1848	40	.....	do	1866	799
	733	1848	40	1	Amended	1866	799

* Chap. 547, L. of 1856, repealed by chap. 106, L. 1868.

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III.	733	1848	40	1	Amended.....	1867	248
	40	1	do	1869	605
	40	1	do	1871	657
	40	1	do	1872	426
	.....	.....	40	1	do	1874	149
	.....	.....	40	1	do	1877	416
	.....	.....	40	1	do	1879	290
	.....	.....	40	1	do	1880	241
	735	.....	40	12	do	1871	657
	735	1848	40	12	do	1875	510
	742	1857	29	2	do	1867	12
	743	1860	269	2	do	1867	248
	.....	.....	269	2	do	1878	316
	745-9	1847	133	.....	Amended (gen.).....	1871	378
	747	1847	133	4	do	1874	245
	747	1847	133	5	do	1873	361
	748-9	.....	133	10	do	1869	708
	.....	.....	133	10	do	1877	31
	749	.....	133	11	do	1874	245
	749	.....	133	11	do	1880	506
	749	1847	209	1	do [1864, ch. 117, &	1872	696
	751-2	1842	280	1	do	1874	245
	751-2	.....	280	1	do	1879	108
	751-2	.....	280	4	do [1871, ch. 164, &	1877	156
	752-3	1853	122	.....	1st part superseded	1879	109
	752-3	1853	122	.....	2d part superseded	1880	566
	754	1854	112	.....	Secs. 7, 8 and 9 added by	1871	68
	.....	1854	112	.....	Sec. 10 intended to be added	1877	469
	765-6	1855	425	4	Amended	1875	512
	765-6	1855	425	4	do	1876	346
	765-6	1855	425	5	do	1872	116
	770	1859	36	2	do	1869	326
	772-4	1862	293	.....	Repealed	1869	210
	780	1851	122	7	Amended	1875	564
	783-9	1853	117	.....	Supplemented	1880	182
	783-9	1853	117	1	Amended	1870	773
	815	1852	228	1	do	1866	322
	815	1852	228	1	do	1867	419
	815	1852	228	1	do	1875	445
	831-9	1854	232	.....	Amended (gen.).....	1863	134
	821-9	1854	232	1	do	1878	394
	832-3	1861	238	.....	See title of	1878	394
	833	1862	205	1	Amended	1865	691
	839-44	1853	395	.....	Supplemented	1879	413
	844	1853	395	18	Amended	1875	419
	847-3	1862	438	.....	Extended	1878	210
	.....	.....	438	1	Amended	1878	61
	.....	.....	438	2	do	1870	124
	849-54	1848	37	.....	Amended (gen.).....	1867	480
	.....	.....	37	1	do	1871	95
	.....	.....	37	2	do	1871	697
	.....	.....	37	2	do	1872	374
	.....	.....	37	3	do	1872	374
	852	.....	37	18	do	1871	95
	852-3	.....	37	20	do	1875	120
IV.	13	1855	159	.....	Amended (gen.).....	1870	431
	.....	.....	159	1	do	1878	112
	.....	.....	159	2	do	1878	112
	18-29	1842	189	4	do	1867	536
	.....	.....	189	47	do	1879	45
	189	Unnumbered sec. added	1870	295
	87	1862	220	17	Amended.....	1867	739
	87	1862	220	18	do	1878	72

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IV.	51	1857	628	15	Amended	1877	420
	628	16	do	1869	856
	51-2	628	17	do	1869	856
	53	628	21	do	1873	549
	.....	.....	628	22	do	1873	820
	.....	.....	628	22	do	1878	107
	54	.....	628	30	do	1873	820
	62-3	1860	20	1 and 2	do	1867	549
	.....	.....	20	.....	Section 3 added by	1879	388
	65	1857	671	1	Amended	1872	409
	67	1857	671	7	do	1876	414
	76	1847	69	7	do	1868	227
	.....	.....	69	7	do	1871	293
	76-7	1847	69	9	Repealed	1868	227
	77	1847	69	12	Amended	1871	293
	79	1853	467	12	do	1867	930
	80	1853	467	13	do	1865	137
	80	1853	467	14	do	1865	137
	111-112	1835	262	3, 4 and 6	Repealed	1875	371
	127-134	1838	260	.....	Amended (gen.)	1863	22
	127-134	1838	260	.....	do do	1870	163
	131	1838	260	15	do	1874	126
	131	.....	260	15	do	1879	122
	144	1842	3	2	do (in intention)	1879	442
	154-163	1849	226	.....	do (gen.)	1863	372
	163	1849	226	32	Repealed	1877	417
	163	1849	437	.....	do in part	1875	371
	170	1851	164	9	Amended	1875	50
	176-7	1853	250	.....	Repealed	1878	99
	187-8	1858	132	.....	do	1875	371
	188-190	1859	236	.....	Amended (gen.)	1867	191
	188	1859	236	1, subdiv. 1	do	1867	476
	190	1859	277	1	do	1879	122
	194	1839	347	.....	Repealed	1875	371
	194-5	1847	478	.....	do	1875	371
	195	1850	91	.....	do in part	1875	371
	195	1854	72	.....	do	1875	371
	195-6	1855	336	.....	do	1875	371
	196-8	1857	136	.....	do	1875	371
	197	1857	136	3	Amended	1871	693
	197-8	1857	136	6	do	1867	32
	202-12	1849	308	.....	do (gen.)	1867	442
	207	1849	308	10	do	1867	574
	.....	1849	308	23	Added to this act by amendment of	1866	577
	216-26	1853	463	.....	Supplemented	1865	328
	.....	1853	463	.....	Title amended	1879	161
	216	1853	463	1	Amended	1879	485
	216	1853	463	2	do	1879	485
	216	1853	463	3	do	1869	404
	216	1853	463	3	Extended	1869	634
	216	1853	463	3	Amended	1879	485
	218	1853	463	8	do	1868	318
	218-19	1853	463	9	do	1875	170
	218-19	1853	463	9	do	1876	357
	220	1853	463	13	do	1868	623
	220	1853	463	13	do	1873	849
	224-5	1853	463	17	do	1879	161
	225-6	1853	463	19	do	1869	329
	226	1853	463	21	do	1880	427
	228-9	1853	466	3	do	1871	608
	230	1853	466	12	do	1867	91
	234	1853	466	19	do	1870	476
	234	1853	466	19	do	1875	208
	237-9	1853	466	23	do	1874	331
	237-9	1853	466	23	do	1875	555

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IV.	241	1853	466	25	Amended.	1875	555
	252-4	1859	366	do (gen.)	1868	732
	252	1859	366	2	do	1873	593
	253	1859	366	6	do	1877	423
	253-4	1859	366	7	do	1871	709
	258-77	1860	259	.....	do (gen.)	1864	41
	259	1860	259	6	do	1869	339
	260	1860	259	11 and 12	do	1866	84
	260-1	1860	259	18	do	1866	84
	263	1860	259	20	do	1866	861
	274	1860	259	61	do	1866	84
	275	1860	259	68	do	1866	861
	276	1860	259	66 and 67	do	1868	535
	278-9	1862	168	.....	do (gen.)	1874	614
	280-1	1845	3	6	do	1876	1
	285-6	1847	464	.....	Repealed	1880	245
	301	1845	115	4	Amended	1874	261
	.....	1845	115	4	do	1875	38
	304-8	1847	195	.....	do (gen.)	1865	382
	.....	1847	195	.....	do do	1870	384
	331-4	1853	224	.....	do do	1867	911
	331	1853	224	2	do	1869	808
	333-4	1853	224	13	do	1871	475
	375-80	1845	150	.....	(Probably) amended.	1871	708
	418-24	1861	288	.....	Repealed.	1863	90
	428-9	1839	184	.....	Sections 3 and 4 added by L. 1871	1878	209
	.....	1839	184	2	Amended.	1880	337
	432-3	1846	274	.....	Repealed.	1880	245
	434	1831	287	.....	Repealed	1880	245
	435	1833	279	8	Amended	1873	501
	.....	1833	279	8	do (in intention).	1879	418
	438-9	1846	182	.....	Repealed	1880	245
	.....	1846	182	1	Amended	1869	748
	440	1848	195	2	do	1867	557
	441-4	1850	270	.....	Repealed in part.	1875	136
	441-2	1850	270	1	Amended	1876	58
	442	1850	270	8	do	1876	58
	443	1850	270	5	do	1876	58
	.....	1850	270	5	do	1880	115
	444	1851	277	.....	Repealed	1880	245
	445-7	1858	308	.....	do	1875	136
	448-9	1862	365	1	Amended	1868	796
	.....	1862	365	1	do	1873	551
	449	1862	365	4	do	1868	796
	450-1	1838	257	.....	Repealed	1880	245
	451-2	1849	176	.....	do	1880	245
	452-3	1854	400	.....	Supplemented.	1868	256
	453-5	1832	276	.....	Repealed	1877	417
	455-6	1835	211	.....	do	1877	417
	457	1841	282	.....	do	1877	417
	457	1845	24	.....	do	1877	417
	458	1849	261	1	Amended	1870	370
	.....	1849	261	1	do	1873	577
	.....	1849	261	1	do	1875	27
	465-75	1831	300	.....	Repealed	1880	245
	475-6	1833	52	.....	do	1880	245
	476	1833	245	.....	do	1880	245
	476-7	1837	418	.....	do	1880	245
	477	1838	138	.....	do	1880	245
	478	1840	165	.....	do	1880	245
	478	1840	877	.....	do	1880	245
	479	1841	242	do	1877	417
	1880	245
	479-80	1845	214	do	1880	245
	481	1846	209	do	1880	245

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IV.	481-2	1847	366	Repealed	1880	245
	482	1848	48	do	1880	245
	482-3	1850	210	do	1880	245
	483	1858	314	8	do	1880	245
	484-5	1860	348	.....	do	1877	466
	484	1860	348	2	Subdivisions 8 and 9 added by	1874	600
	.....	1860	348	3	Amended	1875	56
	485	1860	348	4	do	1867	860
	.....	1860	348	4	do	1870	92
	.....	1860	348	4	do	1875	56
	.....	1860	348	5	do	1873	363
	486	1834	308	.....	Repealed	1880	245
	486-501	1837	460	.....	do	1880	245
	491	1837	460	23	Amended	1864	71
	.....	.....	.....	.....	The amending act repealed	1867	782
	492	1837	460	29	Amended	1876	278
	494	1837	460	37	do	1868	494
	494	1837	460	40	do	1874	267
	499-500	1837	460	72	do	1869	845
	499-500	1837	460	73	do	1873	211
	501	1840	334	.....	Repealed	1880	245
	501-2	1841	129	.....	do	1880	245
	502	1843	121	.....	do	1880	245
	503	1846	238	.....	do	1880	245
	503-4	1853	238	.....	do	1880	245
	.....	1853	238	1	Amended	1879	316
	505	1838	149	.....	Repealed	1880	245
	506-7	1850	82	.....	do	1880	245
	507	1850	82	3	Amended	1869	260
	.....	1850	82	3	do	1872	92
	508	1850	150	.....	Repealed	1880	245
	.....	1850	150	1	Amended	1879	389
	508-9	1850	162	.....	Repealed	1880	245
	511	1840	177	.....	do	1880	245
	512	1840	379	.....	do	1880	245
	512	1841	257	.....	do	1880	245
	515	1858	187	1	Amended	1870	277
	515-17	1860	90	7	Repealed	1880	245
	517	1862	172	3, 5 and 7	do	1880	245
	518	1834	88	.....	do	1880	245
	518-522	1840	225	.....	do	1880	245
	526	1847	450	.....	do	1880	245
	.....	1847	450	2	Amended	1870	78
	527	1849	256	1	do	1880	245
	.....	1849	256	1	Superseded	1870	78
	529-530	1832	128	.....	Repealed	1877	417
	531	1833	14	.....	do	1877	417
	531-2	1833	159	.....	do	1877	417
	532	1833	187	.....	do	1877	417
	532	1841	193	.....	do	1877	417
	533-5	1842	277	.....	do	1880	245
	535	1844	312	.....	do	1880	245
	535-6	1847	377	.....	do	1877	417
	536	1848	185	.....	do	1880	245
	537	1849	30	.....	do	1880	245
	537	1849	333	.....	do	1877	417
	538	1850	1	.....	do	1877	417
	538	1850	15	.....	do	1877	417
	538-9	1850	41	.....	do	1877	417
	539-40	1852	374	1 to 6 inclu'e	Repealed	1877	417
	541	1854	75	.....	do	1877	417
	541	1855	530	do	1877	417
	542	1860	167	do	1877	417
	1860	167	1	Amended	1865	218

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IV.		1860	167	1	Amended	1870	49
	542	1862	86		Repealed	1877	417
	543	1831	24		do	1880	245
	543	1832	7		do	1880	245
	544	1832	211		do	1880	245
	544	1833	42		do	1880	245
	544	1834	235		do	1880	245
	545	1836	526		do	1880	245
	545-6	1841	138		do	1880	245
	546	1841	141		do	1880	245
	547	1841	321		do	1880	245
	547	1845	242		do	1880	245
	548	1846	140		do	1880	245
	548	1846	276		do	1880	245
		1846	276	1	Amended	1879	306
	548-9	1857	512		Repealed	1880	245
	549	1836	499		do	1877	417
	549	1838	129		do	1877	417
	550	1839	303		do	1877	417
	550	1839	346		do	1877	417
	550-51	1841	38		do	1880	245
	552	1845	112		do	1880	245
		1845	112	1	do	1877	417
	552-3	1845	163		do	1877	417
	553-4	1845	231		do	1877	417
	554-5	1846	120		do	1877	417
	555-6	1847	277	12, 13, 14	do	1877	417
		1847	277	11	do	1880	245
		1847	277	13 and 14	do	1880	245
	556-580	1847	280		The larger part repealed by L. 1877, ch. 417, and L. 1880, ch. 245. The extent and time of repeals by each act is shown below.		
	557-563	1847	280	4-21 inclu'e.	Repealed	1877	417
		1847	280	4-21 inclu'e.	do	1880	245
	562-3	1847	280	22	do	1880	245
	563	1847	280	23 and 24	do	1877	417
		1847	280	23 and 24	do	1880	245
	564	1847	280	28	do	1877	417
		1847	280	28	do	1880	245
	564-5	1847	280	29-31 inclu.	do	1877	417
		1847	280	29-31 inclu.	do	1880	245
	565	1847	280	32 and 33	do	1880	245
	565-6	1847	280	34-36 inclu.	do	1877	417
		1847	280	34-36 inclu.	do	1880	245
	566	1847	280	37	do	1880	245
	568	1847	280	45	do	1877	417
		1847	280	45	do	1880	245
	568-573	1847	280	47-64 inclu.	do	1877	417
		1847	280	47-64 inclu.	do	1880	245
	574-580	1847	280	66-83 inclu.	do	1877	417
		1847	280	66-83 inclu.	do	1880	245
	582-3	1847	470	2-13 inclu.	do	1877	417
		1847	470	2-13 inclu.	do	1880	245
	588	1847	470	14	do	1880	245
	588-5	1847	470	15-26 inclu.	do	1877	417
		1847	470	15-26	do	1880	245
	586-7	1847	470	27-31	do	1877	417
		1847	470	27-31	do	1880	245
		1847	470	32	do	1880	245
	587	1847	470	34	do	1877	417
		1847	470	34	do	1880	245
	588-9	1847	470	36-44 inclu.	do	1877	417
		1847	470	36-44 inclu.	do	1880	245

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IV.	589	1847	470	45	Repealed	1880	245
	589-591	1847	470	46-52 inclu.	do	1877	417
	1847	470	46-52 inclu.	do	1880	245
	591	1847	470	58	do	1880	245
	591	1848	222	.....	do	1877	417
	592-3	1848	224	.....	do	1877	417
	.....	1848	224	1	Superseded	1869	99
	593-7	1848	277	.....	Repealed	1877	417
	597	1849	357	.....	do	1880	245
	597	1850	128	.....	do	1877	417
	598	1850	245	.....	do	1877	417
	598-9	1853	511	.....	do	1877	417
	599	1853	648	.....	do	1880	245
	599-600	1855	202	1 and 2	do	1880	245
	600	1857	567	.....	do	1877	417
	600	1858	37	.....	do	1877	417
	601	1858	176	.....	do	1880	245
	602-3	1860	136	.....	do	1880	245
	.....	1860	136	.....	Amended	1866	307
	603	1862	43	.....	Repealed	1866	175
	603-7	1862	451	.....	do	1865	336
	608	1840	239	.....	do	1880	245
	608	1846	159	.....	do	1880	245
	609	1847	337	.....	do	1880	245
	610	1848	50	.....	do	1880	245
	611	1854	116	.....	do	1880	245
	611	1855	511	.....	do	1880	245
	611-12	1860	173	.....	do	1880	245
	612-13	1831	200	.....	do	1880	245
	613	1833	227	.....	do	1880	245
	613-15	1847	430	.....	do	1880	245
	615-16	1852	277	.....	do	1880	245
	616	1857	679	.....	do	1880	245
	617	1853	573	.....	do	1877	451
	.....	1853	573	.....	Amended	1865	222
	618-620	1833	271	.....	Repealed, except sec. 6.	1877	417
	.....	1833	271	.....	do entirely	1880	245
	620	1835	197	.....	do	1877	417
	621	1836	385	.....	do	1880	245
	621-2	1846	243	.....	do	1877	417
	622	1834	262	.....	do	1877	417
	622-3	1835	189	.....	do	1877	417
	.....	1835	189	1	Amended	1867	116
	623-4	1836	525	.....	Repealed	1877	417
	624	1837	462	.....	do	1877	417
	626-7	1842	157	1	do	1877	417
	627-8	1844	104	.....	do	1877	417
	.....	1844	104	.....	do	1880	245
	628-9	1844	324	.....	do	1877	417
	629	1844	324	3	Amended	1869	807
	629	1846	150	.....	Repealed	1877	417
	629-30	1847	85	.....	do	1877	417
	630	1847	390	.....	do	1877	417
	631-32	1847	410	1-6	do	1877	417
	632-3	1850	260	.....	do	1877	417
	634	1850	295	.....	do	1877	417
	634	1851	21	.....	do	1877	417
	634-5	1857	60	.....	do	1877	417
	635	1858	107	.....	do	1877	417
	635-6	1860	6	.....	do	1877	417
	636-7	1862	473	do	1877	417
	1862	473	do	1880	245
	637-8	1831	191	do	1877	417
	638	1832	158	do	1877	417

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IV.	638-9	1885	159	Repealed	1877	417
	639	1886	439	do	1877	417
	640-41	1838	243	do	1880	245
	641	1845	303	.....	do	1877	417
	641-2	1846	240	.....	do	1877	417
	642-3	1847	462	.....	do	1880	245
	643	1848	197	1	do	1880	245
	643-4	1848	312	.....	do	1880	245
	644-5	1850	94	.....	do	1880	245
	645	1855	85	.....	do	1880	245
	645	1857	173	.....	do	1880	245
	645-6	1858	244	.....	do	1877	417
	646	1862	251	.....	do	1877	417
	646	1862	375	.....	do	1877	417
	647	1862	471	.....	do	1877	417
	647-8	1843	201	.....	do	1880	245
	648	1847	134	1	do	1877	417
	648-9	1861	8	.....	do	1877	417
	649	1861	210	.....	do	1877	417
	.....	1861	210	5	Amended	1867	494
	650	1854	206	.....	Repealed	1880	245
	650-51	1849	258	.....	do	1880	245
	652	1851	455	.....	do	1880	245
	652	1839	243	.....	do	1880	245
	654	1862	482	3	Amended	1879	334
	655-6	1862	482	9	do	1879	334
	661-2	1842	240	.....	Repealed	1880	245
	665-7	1840	342	.....	do	1880	245
	667-9	1844	346	.....	do	1880	245
	673-9	1854	402	.....	Title amended	1869	536
	673	1854	402	1	Amended	1869	536
	.....	1854	402	1	do	1873	499
	.....	1854	402	1	do	1875	233
	674	1854	402	2	do	1873	499
	.....	1854	402	3	do	1873	499
	.....	1854	402	4	do	1869	536
	.....	1854	402	4	do	1873	499
	675	1854	402	5	do	1873	499
	.....	1854	402	6	do	1873	499
	.....	1854	402	7	do	1873	499
	675-6	1854	402	8	do	1873	499
	676-7	1854	402	9 and 14	do	1873	499
	677-8	1854	402	16-19	do	1873	499
	678	1854	402	20	do	1871	188
	.....	1854	402	20	do	1873	499
	678-9	1854	402	20-24	do	1873	499
	680	1858	247	.....	do (gen.)	1864	413
	680-81	1860	446	1	do	1876	319
	681	1837	240	.....	Repealed	1880	245
	681-82	1854	270	.....	do	1880	245
	682	1859	262	.....	do	1880	245
	.....	1859	262	1	do	1877	417
	683	1859	174	.....	do	1880	245
	684-93	1840	386	.....	do	1880	245
	684	1844	127	.....	do	1880	245
	684-8	1844	300	.....	do	1880	245
	698	1847	339	.....	do	1880	245
	698-9	1850	225	.....	do	1880	245
	.....	1850	225	3	do	1877	417
	699-700	1857	775	.....	do	1880	245
	700-701	1859	252	.....	do	1880	245
.....	1859	252	.....	Amended	1869	531
	701-2	1860	493	1 and 2	Repealed	1880	245
V.	1-136	Code of Proc. and amending acts, repealed	1880	245

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V.	188-144	1863	892	Repealed	1880	245
	145	1845	260	2	do	1869	631
	146	1846	22	1	do	1869	631
	149	1862	197	6	Amended	1873	644
	.....	1862	197	6	do	1876	883
	.....	1862	197	7	do	1873	644
	152-3	1860	103	1	do	1870	428
	153	1860	103	2	do	1870	423
	154	1860	103	5 and 7	do	1870	423
	160	1854	180	.....	Repealed	1880	245
	176-7	1852	82	.....	Amended	1879	176
	.....	1852	82	.....	do	1880	538
	186-7	1836	171	.....	Repealed	1869	895
	188-9	1846	324	.....	Amended (gen.)	1865	353
	190-1	1849	123	.....	Superseded (in part)	1877	128
	195	1854	240	9	Amended	1860	399
	.....	1854	240	9	do	1874	451
	204	1862	417	1	do	1863	415
	.....	1862	417	2	do	1863	415
	.....	1862	417	2	do	1864	321
	.....	1862	417	2	do	1875	25
	205	1862	417	4 and 5	do	1863	415
	207	1824	126	4	do	1877	384
	212-18	1839	18	8	Re-enacted	1872	733
	242-5	1858	130	.....	Amended (gen.)	1865	353
	.....	1858	130	1	Amended	1869	895
	242-3	1858	130	8	do	1867	118
	247	1857	769	2	Subdivision 10 added by	1866	467
	.....	1857	769	2	Amended	1872	530
	253-6	1861	97	.....	Repealed	1867	604
VI.	61	1863	73	7	Superseded	1878	233
	70	1863	90	23	Amended	1867	839
	75	1863	93	1	do	1874	570
	85-9	1863	200	.....	Repealed	1877	417
	89	1863	206	.....	do	1877	417
	89	1863	206	1	Amended	1869	589
	91	1863	212	.....	Repealed	1877	417
	97	1863	242	.....	Superseded	1871	608
	98-99	1863	246	1 and 2	Amended	1865	421
	.....	1863	246	3	Repealed	1877	417
	105	1863	315	.....	do	1875	371
	105-106	1863	325	1 and 2	Amended	1870	180
	.....	1863	325	1 and 2	do	1871	548
	.....	1863	325	1 and 3	do	1875	213
	106	1863	325	3 and 4	do	1875	213
	110	1863	346	8	do	1875	193
	112-124	1863	353	.....	do (gen.)	1871	722
	124-7	1863	362	1, 2, 5, 6, 9	Repealed	1880	245
	126	1863	362	7	Amended	1864	420
	.....	.....	362	7	do	1866	784
	143	1863	401	2	do	1871	747
	144	1863	403	.....	Repealed	1880	245
	147	1863	412	1	Last sentence repealed	1877	417
	148-9	1863	415	2	Amended	1864	321
	157	1863	460	3	do	1864	229
	170-72	1863	511	.....	Application restricted	1865	585
	227	1864	41	3	Amended	1869	339
	228-9	1864	48	.....	Superseded	1866	661
	229	1864	51	1	Amended	1875	518
	231	1864	53	.....	Repealed	1880	245
	232-4	1864	71	1-11	do	1880	245
	1864	71	do
	237	1864	95	do	1877	417
	238	1864	118	do	1875	371

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VI.	238	1864	117	Superseded	1872	696
	239	1864	135	1	Amended	1870	244
	241-3	1864	197	5-8	do	1878	228
	241-3	1864	197	.....	New section 5 inserted	1878	228
	243	1864	219	.....	Repealed	1890	245
	251	1864	276	4	do	1874	532
	252	1864	287	.....	Superseded	1866	696
	.....	1864	287	.....	do	1874	503
	253-4	1864	300	1	Amended	1865	600
	.....	1864	300	1	do	1867	426
	.....	1864	300	1	do	1875	596
	254	1864	311	.....	Repealed	1880	245
	.....	1864	311	1	Amended	1872	690
	.....	1864	311	1	do	1878	324
	258-9	1864	337	3	do	1868	731
	264-5	1864	395	1	Superseded	1880	308
	.....	1864	395	3	do	1866	180
	.....	1864	395	3	do	1880	308
	264-5	1864	395	4	do	1865	522
	.....	1864	395	4	do	1868	791
	.....	1864	395	4	do	1870	461
	.....	1864	395	4	do	1877	197
	267-9	1864	403	11-13	Amended	1866	84
	271	1864	403	20	do	1866	861
	282	1864	403	61	do	1866	84
	282-3	1864	403	63	do	1866	861
	283	1864	403	66	do	1868	535
	284	1864	403	67	do	1868	535
	286	1864	411	.....	Repealed	1880	245
	291-3	1864	417	.....	do	1880	245
	.....	1864	417	.....	Amended (gen.)	1869	627
	.....	1864	417	.....	do do	1870	37
	295	1864	420	.....	Superseded	1866	784
	295-6	1864	421	.....	Repealed	1880	245
	296	1864	422	.....	do	1880	245
	.....	1864	422	.....	Superseded	1875	508
	300	1864	517	2	Amended	1871	481
	300	1864	518	1	do	1865	361
	.....	1864	518	1	do	1869	563
	.....	1864	518	1	do	1876	161
	.....	1864	518	1	do	1878	237
	301	1864	543	.....	Repealed	1877	417
	303	1864	545	.....	do	1880	245
	.....	1864	545	1	Amended	1866	307
	304-363	1864	555	.....	.....	.....	.....
	304	1864	555	1 and 4	Amended	1875	567
	305	1864	555	5 and 7	do	1875	567
	305-6	1864	555	9	do	1875	567
	.....	1864	555	9 and 10	do	1870	180
	.....	1864	555	9 and 10	do	1872	670
	307	1864	555	15	do	1875	567
	308	1864	555	3 title II	do	1867	406
	308	1864	555	6 title II	do	1865	647
	309	1864	555	8 title II	do	1875	567
	309	1864	555	13, subdiv. 1	Amended	1865	647
	.....	1864	555	13, subdiv. 1	do	1875	567
	310	1864	555	13, sub. 3&4	do	1867	406
	311	1864	555	1 title III	do	1867	406
	311-312	1864	555	3	do	1875	567
	312	1864	555	4	do	1867	406
	312-13	1864	555	6	do	1875	567
	1864	555	6	do	1876	374
	314	1864	555	10	do	1880	27
	315	1864	555	14	do	1865	647
	1864	555	14	do	1875	567

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VI.	819-20	1864	555	81	Amended	1875	567
	821	1864	555	6, subdivs. 1 & 2, title 4.	do	1875	567
		1864	555	6, subdiv. 1, title 4.	do	1865	647
	822	1864	555	1, subdiv. 4, title 5.	do	1865	647
	823	1864	555	1, subdiv. 11	Repealed	1865	647
		1864	555	1	Subds. 12 & 13 changed to 11 & 12	1865	647
	824	1864	555	2 & 3, title 6	Amended	1867	406
	824	1864	555	4	do	1865	647
	825	1864	555	9	do	1875	567
	826-7	1864	555	6, title 7	do	1875	567
	827	1864	555	8	do	1865	647
		1864	555	9	do	1875	567
	827-8	1864	555	12	do	1867	406
	829	1864	555	15, subdiv. 7	do	1875	567
		1864	555	15	Subdivision 16 added by	1867	406
		1864	555	18	Amended	1867	406
	829-30	1864	555	19	do	1867	406
		1864	555	19	do	1875	567
	830	1864	555	20	do	1865	467
	831-2	1864	555	27	do	1878	178
	832	1864	555	28	do	1867	406
	833	1864	555	37, subdiv. 5	do	1865	647
	834	1864	555	42	do	1867	406
	835	1864	555	49, subdiv. 5	do	1867	406
	835	1864	555	49, subdiv. 9	do	1865	647
		1864	555	49, subdiv. 9	do	1879	264
		1864	555	49, subdiv. 11	do	1867	406
		1864	555	49, subdiv. 12-15	Repealed	1867	406
		1864	555	49	A new subdivision 14 added by ..	1867	406
		1864	555	49	Subds. 18 and 19 numbered 12 & 13	1867	406
	837	1864	555	50, title 7	Amended	1867	406
		1864	555	50	do	1871	359
		1864	555	50	do	1875	567
	837-8	1864	555	53	do	1867	406
	838-9	1864	555	60, subdiv. 8	do	1865	647
		1864	555	60 (through- out)	do	1867	406
	840-1	1864	555	66	do	1865	647
		1864	555	66	do	1867	406
		1864	555	66	do	1875	567
	841	1864	555	69	do	1875	567
	842	1864	555	75	do	1865	647
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	712	1870	322	1	do	1874	76
	1870	322	1	do	1876	289
	716	1870	341	1	Superseded	1871	708
	717-18	1870	366	1	Amended	1872	721
	718	1870	370	1	Superseded	1873	577
	.....	1870	370	1	do	1875	27
	726-7	1870	384	.....	Repealed	1880	245
	727-732	1870	408	.....	do	1877	417
	.....	1870	408	.....	Excepting secs. 9, 15, 16 and 17.....	.....	.....
	732-3	1870	409	.....	Extended	1874	53
	.....	1870	409	.....	Repealed	1877	417
	.....	1870	409	1	Amended	1871	16
	741	1870	432	1	do	1871	274
	742-3	1870	461	1	Second part superseded.....	1877	197
	748	1870	467	.....	Repealed	1880	245
	.....	1870	467	1	do	1877	417
	.....	1870	467	1	Amended (?).	1880	430
	.....	1870	467	3	Repealed	1872	767
	746	1870	476	1	Superseded	1875	208
	748	1870	492	.....	Repealed in part	1877	273
	751	1870	507	1	Amended	1871	925
	759-60	1870	567	2	do	1873	74
	.....	1870	567	4	do	1871	721
	765-6	1870	597	.....	Repealed	1880	336
	770-71	1870	706	.....	do	1880	245
	771-3	1870	717	.....	do	1880	245
	772	1870	717	2	Amended	1874	258
	773	1870	717	7	do	1880	467
	773-6	1870	741	.....	Repealed	1880	245
	.....	1870	741	.....	do	1877	417
	777-8	1870	760	.....	Amended (gen.)	1871	696
	.....	1870	760	1	do	1873	453
	.....	1870	760	1	do	1875	206
	781-3	1870	789	1	do (in intention).....	1871	283
	.....	1870	789	1	do do	1871	925
	782	1870	789	1	Sentence repealed	1875	371
IX	56-7	1871	16	.....	Repealed	1877	417
	57	1871	18	1	Amended	1872	319
	59-61	1871	68	10	Added (?).	1877	499
	65	1871	184	.....	Superseded	1874	416
	67	1871	208	.....	Repealed	1877	417
	67	1871	219	.....	do	1880	245
	70	1871	245	.....	do	1872	519
	74-76	1871	283	1	do in part	1875	371
	76	1871	287	.....	do	1872	365
	82	1871	336	2	Amended	1871	589
	88	1871	348	1	do	1872	653
	85	1871	359	1	Superseded	1875	367
	86	1871	359	2	do	1877	33
	86	1871	361	.....	Repealed	1880	245
	87-9	1871	415	do	1880	245
	88	1871	415	1, subd. 1	Amended	1872	26
	94	1871	433	Repealed	1880	245

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IX.	95	1871	486	Repealed	1877	417
	95	1871	486	8	Amended	1872	260
	98	1871	548	Superseded	1875	218
	101	1871	560	5	Amended	1872	81
	101	1871	560	5	do	1877	108
	101	1871	560	5	do	1879	298
	102	1871	560	6	do	1877	108
	102	1871	560	6	do in intention	1879	298
	104	1871	608	.....	Repealed	1880	245
	104	1871	608	2	do	1877	417
	106	1871	635	1	Amended	1872	877
	115	1871	657	2	do	1872	426
	115	1871	657	2	do	1874	149
	115	1871	657	2	do	1879	290
	115	1871	657	2	do	1880	241
	115	1871	657	2	do	1877	874
	115	1871	657	3	do	1875	510
	116-17	1871	668	.....	Repealed	1872	326
	120	1871	688	1	Superseded	1872	92
	120	1871	688	1	do	1871	870
	123-4	1871	698	.....	Repealed	1875	871
	129	1871	700	.....	Amended (gen.)	1872	189
	187	1871	721	1	do	1872	488
	187	1871	721	1	do	1874	490
	188	1871	721	5	Repealed	1872	488
	188	1871	721	6	Amended	1872	488
	188	1871	721	7	do	1875	188
	188	1871	721	7	do	1877	411
	188	1871	721	10	do	1874	511
	189	1871	721	14	do	1875	188
	189	1871	721	19	do	1874	511
	189	1871	721	21	do	1872	433
	190	1871	721	25	do	1874	511
	190	1871	721	27	do	1872	433
	190	1871	721	28	do	1872	433
	191	1871	721	29	do	1873	436
	192	1871	721	30	Repealed	1872	433
	194	1871	721	38	Amended	1873	479
	195	1871	721	43	Repealed	1872	65
	199	1871	746	2	Superseded	1874	514
	202	1871	766	1	do	1872	778
	202	1871	766	3	do	1872	778
	208	1871	831	.....	Repealed (?)	1879	584
	208	1871	831	8	Amended	1876	847
	209	1871	831	4	do	1876	847
	209	1871	831	6	do	1876	847
	209	1871	831	9	do	1876	847
	210	1871	834	.....	Repealed	1880	245
	214	1871	859	7 and 8	do	1880	245
	214	1871	859	8	Amended	1879	151
	215	1871	868	.....	do (gen)	1873	480
	228	1871	870	2	Superseded	1880	422
	.....	1871	870	1	do	1873	92
	228	1871	870	1	do	1879	570
	231	1871	874	.....	Repealed	1880	245
	237-8	1871	907	.....	do	1875	871
	242	1871	925	8	do	1872	888
	255	1871	936	.....	do	1880	245
	318-20	1872	12	.....	do	1879	379
	321	1872	26	.....	do	1880	245
	327-8	1872	92	.....	do	1880	245
	334	1872	180	.....	do	1877	417
	336	1872	146	1	Amended	1875	119
	339	1872	161	Repealed	1880	245
	339	1872	161	1	Amended	1879	526

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IX	339	1872	161	1	Amended	1870	435
	340-1	1872	181	3	do	1880	283
	341	1872	181	6	do	1875	532
	342-3	1872	248	1	do	1872	600
	343-4	1872	248	4	do	1872	600
	344	1872	248	6	do	1875	159
	345-6	1872	260	.....	Repealed	1877	417
	367	1872	426	.....	Superseded	1874	149
	367	1872	426	.....	do	1877	374
	367	1872	426	.....	do	1879	290
	367	1872	426	.....	do	1880	241
	369-71	1872	433	.....	Repealed (?)	1879	534
	369-70	.....	433	2	Amended	1874	490
	369	.....	433	3	do	1873	435
	369	.....	433	7	do	1873	435
	369	.....	433	7	do	1874	409
	375-6	.....	485	.....	Repealed	1879	379
	375	.....	485	.....	Superseded in part	1875	113
	375	.....	485	.....	do .....	.....	.....
	376-7	.....	498	1	do	1880	145
	381	.....	519	.....	Repealed	1877	417
	382	1872	537	1	Amended	1873	181
	400-401	1872	570	1	do	1880	465
	402	1872	570	8	do	1880	465
	405	1872	570	19	do	1873	634
	405	1872	570	19	do	1880	508
	400	1872	598	.....	Repealed	1874	23
	419	1872	670	.....	Superseded in part	1875	567
	420	1872	680	.....	Repealed	1880	245
	420	1872	680	1	Amended	1873	394
	420-21	1872	693	.....	Repealed	1880	245
	422	1872	698	1	Superseded	1877	323
	422-24	1872	699	.....	Repealed*	1878	375
	423	1872	699	5	Amended	1874	268
	468-9	1872	747	1	do	1873	777
	469	1872	747	8	do	1873	777
	478	1872	767	1	do	1877	401
	473	1872	767	1 P. 3	do	1873	515
	474	1872	767	1 P. 9	do	1873	515
	474	1872	767	2	do	1877	401
	474	1872	767	2 P. 3	do	1873	515
	474	1872	767	2 P. 3	do	1873	515
	474	1872	767	2 P. 4	do	1873	515
	474	1872	767	8	do	1877	35
	474	1872	767	8	do	1877	401
	474	1872	767	8	do	1873	515
	475	1872	767	5	do	1874	64
	476	1872	776	.....	Repealed	1880	275
	477	1872	778	.....	do	1877	417
	490-91	1872	838	.....	do	1887	406
	.....	1872	838	.....	Superseded	1875	58
	510-11	1872	884	1	Amended	1873	6
	569	1878	9	2	do	1873	589
	574	1873	69	1	do	1878	114
	575-6	1873	70	.....	Repealed	1880	245
	580-81	1873	146	.....	do	1880	245
	585-6	1873	211	.....	do	1880	245
	588-9	1873	299	.....	do	1877	417
	594-5	1878	815	do	1875	431
	1878	815	1	Amended	1874	613

* Except as to National Rifle Association.

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IX	1873	815	8	Repealed	1874	613
	596-7	1873	327	1 (§ 15, ch. 312, L. 1859).	1874	351
	1873	327	1 (§ 15, ch. 312, L. 1859).	1880	80
	599-600	1873	363	.....	Repealed	1877	466
	601-2	1873	395	2	Amended	1875	341
	602	1873	395	3	do	1874	169
	603-5	1873	397	.....	Amended by adding section 11.	1879	250
	609	1873	427	.....	Repealed in part	1877	417
	612-13	1873	440	.....	do as to certain counties ..	1875	530
	.....	1873	440	.....	Amended (gen.)	1873	699
	.....	1873	440	3	do	1877	164
	615	1873	452	1	do	1875	206
	617-18	1873	469	4	do	1880	113
	620-21	1873	499	1	do	1875	233
	629	1873	501	(3 intending section 1.)	Amended	1879	418
	630	1873	515	.....	Superseded in part	1877	35
	.....	1873	515	.....	do entirely	1877	401
	633	1873	549	1	Amended	1874	642
	636	1873	552	.....	Repealed	1880	245
	.....	1873	552	2	Amended	1874	127
	637	1873	561	1	Superseded	1874	560
	.....	1873	561	.....	Amended (gen.)	1874	560
	639	1857	739	6	do	1878	412
	652	1873	577	2	do	1873	639
	653	1873	583	1	Last four lines repealed	1880	245
	657-8	1873	586	1	Amended	1876	366
	675-6	1873	633	.....	Said to be repealed by title of ..	1876	329
	676-7	1873	634	.....	Repealed	1880	245
	697-8	1873	644	1	Amended	1876	333
	700	1873	661	1	do	1874	464
	700-701	1873	661	4	do	1875	308
	704	1873	661	15	do	1874	464
	715-16	1873	737	.....	Supplemented	1876	415
	.....	1873	737	2	Amended	1877	171
	779	1873	824	1	do	1880	508
	781-2	1873	833	1, 2 and 3	do	1874	537
	.....	1873	833	(4, 5 and 6,	changed to 5, 6 and 7 by)	1873	286
	.....	1873	833	.....	A new section 4 inserted	1873	286
	849	1874	9	.....	Repealed	1880	245
	852-3	1874	26	2	Amended	1875	325
	856	1874	52	.....	Repealed	1877	417
	861	1874	127	.....	do	1880	245
	866-7	1874	149	1	Amended	1877	374
	.....	1874	149	1	do	1879	290
	.....	1874	149	1	do	1880	241
	.....	1874	149	2	Repealed	1876	363
	867	1874	156	.....	do	1880	245
	870-73	1874	189	.....	.....	.....	.....
	870-71	1874	189	3	Amended	1873	282
	871	1874	189	5 and 6	do	1878	282
	871-2	1874	189	7	do	1878	282
	872-3	1874	189	8	do	1878	282
	874	1874	208	.....	Repealed	1880	245
	875	1874	209	2 and 3	Amended	1876	103
	880-81	1874	256	.....	Repealed	1880	245
	883	1874	261	1	Amended	1875	38
	884-5	1874	267	.....	Repealed	1880	245
	886-7	1874	268	.....	do in part	1878	275
	888-892	1874	278	.....	Amended (gen.)	1875	495
	893	1874	288	1	do	1877	266
	895	1874	292	.....	Repealed	1877	417
	900-901	1874	331	1	Superseded	1875	555
	902	1874	345	1	Amended	1875	197
	902-3	1874	351	1	Superseded	1880	30

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IX.	902-3	1874	351	5	Amended.....	1880	80
	909	1874	421	2	do	1876	373
	909-10	1874	421	3	do	1876	373
	910	1874	421	5	do	1876	373
	911	1874	421	7 and 8	do	1876	373
	912-13	1874	430	1 and 2	do	1876	446
	918	1874	437	.....	Repealed	1880	245
	923-4	1874	446	14, title 1	Amended	1880	164
	924	1874	446	15	do	1880	164
	.....	1874	446	18	do	1875	574
	925	1874	446	21	do	1876	267
	925-6	1874	446	22	do	1875	574
	926	1874	446	25	do	1875	574
	928	1874	446	81 and 83	do	1875	574
	929	1874	446	88	Repealed.....	1880	245
	929-934	1874	446	title 2	do	1880	245
	930	1874	446	6	Amended	1875	574
	.....	1874	446	6	do	1876	267
	933	1874	446	23 and 24	do	1875	574
	933-4	1874	446	27	do	1875	574
	935	1874	446	8, title 3	do	1875	574
	937-8	1874	446	17	do	1875	574
	943	1874	446	10, title 4	do	1875	574
	947-950	1874	446	title 8	Amended throughout	1875	574
	951	1874	446	1, title 10	Amended	1876	267
	.....	1874	.....	2	do	1875	574
	951-2	1874	446	4	do	1875	574
	.....	1874	.....	.....	do	1876	267
	957-8	1874	451	13	do	1879	373
	958	1874	456	.....	Repealed.....	1880	245
	966-7	1874	524	.....	do	1880	245
	970-71	1874	600	.....	do	1877	466
	972	1874	613	.....	do	1875	431

APPENDIX B.

A table of general laws contained in volumes 3, 4 and 5, arranged according to year and chapter.

1796, ch.	48, passed April 1, v. iii, p. 884.	1828, ch.	6, passed Oct. 14, v. iv, p. 1.
1798,	72, passed April 2, v. iv, p. 294.		227, passed April 15, v. iii, p. 127.
1802,	49, passed M'ch 26, v. iv, p. 296.		364, passed May 4, v. iii, p. 595.
1804,	109, passed April 10, v. iv, p. 297.	1829,	65, passed M'ch 21, v. v, p. 175.
1805,	25, passed M'ch 2, v. iv, p. 297.		94, passed April 2, v. iv, p. 118.
1807,	123, passed April 4, v. iv, p. 298.		148, passed April 16, v. iv, p. 504.
1808,	175, passed April 8, v. iv, p. 298.		222, passed April 23, v. iv, p. 484.
1811,	67, passed M'ch 23, v. iii, p. 726.		252, passed April 24, v. iii, p. 26.
1818,	29, passed April 10, v. iv, p. 842.		259, passed April 25, v. iii, p. 238.
	59, passed April 5, v. iii, p. 416.		261, passed April 25, v. iv, p. 618.
	60, passed April 5, v. iii, p. 687.		275, passed April 27, v. iii, p. 53.
	82, passed April 9, v. iii, p. 418.		287, passed April 27, v. iv, p. 2.
	94, passed April 10, v. iii, p. 710.		297, passed April 29, v. iii, p. 864.
1814,	1, passed Jan. 25, v. iii, p. 695.		302, passed April 29, v. v, p. 210.
	110, passed April 9, v. iii, p. 715.		314, passed April 29, v. iv, p. 56.
1815,	47, passed Feb. 25, v. iii, p. 729.		336, passed May 1, v. iv, p. 198.
	202, passed April 17, v. iii, p. 729.		352, passed May 2, v. iii, p. 325.
	207, passed April 17, v. iii, p. 422.		356, passed May 4, v. iii, p. 39.
1816,	58, passed M'ch 29, v. iii, p. 730.		368, passed May 4, v. iii, p. 147.
	114, passed April 9, v. iv, p. 858.	1830,	58, passed Feb. 26, v. iii, p. 26.
	133, passed April 15, v. iv, p. 858.		70, passed M'ch 8, v. iv, p. 367.
1817,	143, passed April 5, v. iv, p. 859.		108, passed April 5, v. iii, p. 342.
	152, passed April 5, v. iv, p. 860.		117, passed April 7, v. iii, p. 149.
	223, passed April 14, v. iii, p. 781.		171, passed April 15, v. iv, p. 299.
1818,	67, passed M'ch 31, v. iii, p. 731.		179, passed April 16, v. iv, p. 461.
	206, passed April 20, v. iii, p. 715.		181, passed April 16, v. v, p. 211.
	233, passed April 21, v. iv, p. 861.		184, passed April 16, v. iii, p. 65.
1819,	25, passed M'ch 5, v. iv, p. 295.		238, passed April 17, v. iv, p. 463.
	33, passed M'ch 5, v. iii, p. 696.		242, passed April 17, v. iii, p. 66.
	102, passed April 7, v. iii, p. 781.		243, passed April 17, v. iv, p. 110.
	237, passed April 18, v. iii, p. 716.		249, passed April 17, v. iii, p. 128.
1821,	14, passed Jan. 26, v. iii, p. 732.		256, passed April 19, v. iv, p. 464.
	107, passed M'ch 16, v. iii, p. 593.		259, passed April 19, v. iii, p. 53.
	204, passed M'ch 31, v. iv, p. 862.		268, passed April 19, v. iii, p. 128.
1822,	127, passed April 12, v. iii, p. 697.		286, passed April 20, v. iii, p. 67.
	205, passed April 12, v. iv, p. 864.		289, passed April 20, v. iii, p. 39.
	213, passed April 16, v. iii, p. 732.		290, passed April 20, v. iii, p. 40.
1823,	40, passed Feb. 18, v. iv, p. 863.		295, passed April 20, v. iii, p. 149.
	228, passed April 23, v. iii, p. 716.		322, passed April 20, v. iii, p. 129.
1824,	126, passed M'ch 29, v. v, p. 206.		333, passed April 20, v. iii, p. 830.
	177, passed April 7, v. iv, p. 865.	1831,	24, passed Jan. 29, v. iv, p. 543.
1825,	19, passed M'ch 3, v. iii, p. 839.		44, passed Feb. 17, v. iii, p. 435.
	257, passed April 20, v. iv, p. 865.		52, passed Feb. 26, v. iii, p. 298.
	303, passed April 21, v. iii, p. 698.		61, passed M'ch 12, v. iii, p. 129.
	326, passed April 21, v. iii, p. 206.		102, passed April 6, v. iii, p. 130.
1826,	24, passed Jan. 28, v. v, p. 208.		116, passed April 12, v. iii, p. 238.
	47, passed Feb. 15, v. iii, p. 698.		186, passed April 21, v. v, p. 211.
	150, passed April 11, v. iv, p. 866.		191, passed April 21, v. iv, p. 637.
1827,	49, passed Feb. 20, v. iii, p. 595.		200, passed April 21, v. iv, p. 612.

1881, ch.	203, passed April 21, v. iv, p. 95.	1885, ch.	52, passed April 8, v. iii, p. 573.
	206, passed April 21, v. iii, p. 436.		80, passed April 13, v. iii, p. 438.
	234, passed April 22, v. iv, p. 286.		90, passed April 15, v. iii, p. 609.
	287, passed April 22, v. iii, p. 825.		110, passed April 20, v. iv, p. 308.
	277, passed April 25, v. iv, p. 8.		117, passed April 20, v. iv, p. 108.
	286, passed April 26, v. iii, p. 67.		123, passed April 20, v. iii, p. 424.
	287, passed April 26, v. iv, p. 434.		141, passed April 23, v. iv, p. 455.
	300, passed April 26, v. iv, p. 465.		154, passed April 24, v. iii, p. 532.
	304, passed April 26, v. iii, p. 380.		159, passed April 25, v. iv, p. 638.
	315, passed April 26, v. iii, p. 365.		189, passed May 2, v. iv, p. 623.
	320, passed April 26, v. iii, p. 67.		197, passed May 2, v. iv, p. 620.
	373, passed April 26, v. iv, p. 287.		211, passed May 2, v. iv, p. 455.
1882,	7, passed Jan. 24, v. iv, p. 543.		232, passed May 6, v. iii, p. 131.
	8, passed Jan. 25, v. iii, p. 423.		258, passed May 9, v. v, p. 173.
	26, passed Feb. 23, v. iv, p. 4.		260, passed May 9, v. iii, p. 73.
	107, passed April 10, v. iii, p. 580.		262, passed May 9, v. iv, p. 111.
	109, passed April 11, v. iii, p. 298.		264, passed May 9, v. iv, p. 505.
	123, passed April 13, v. iv, p. 529.		265, passed May 9, v. v, p. 180.
	158, passed April 17, v. iv, p. 638.		272, passed May 11, v. iv, p. 45.
	211, passed April 21, v. iv, p. 544.		275, passed May 11, v. iv, p. 510.
	222, passed April 23, v. iii, p. 299.		282, passed May 11, v. iii, p. 865.
	246, passed April 24, v. iii, p. 73.		299, passed May 11, v. iv, p. 5.
	273, passed April 12, v. iv, p. 107. (b)		300, passed May 11, v. iii, p. 533.
	274, passed April 25, v. iii, p. 530.		307, passed May 11, v. iv, p. 121.
	276, passed April 25, v. iv, p. 453.	1886,	423, passed May 8, v. iii, p. 300.
	295, passed April 26, v. iii, p. 674.		117, passed April 9, v. iii, p. 343.
	317, passed April 26, v. iii, p. 487.		122, passed April 11, v. iii, p. 533.
1883,	14, passed Jan. 30, v. iv, p. 531.		171, passed April 23, v. v, p. 186.
	42, passed M'ch 4, v. iv, p. 544.		234, passed May 3, v. iii, p. 74.
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144,	passed M'ch 20, v. v, p. 242.	132,	passed April 9, v. iv, p. 187.
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444,	passed April 14, v. iii, p. 650.	37,	passed M'ch 7, v. v, p. 161.
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482,	passed April 15, v. iii, p. 589.	170,	passed April 8, v. iv, p. 700.
491,	passed April 15, v. iii, p. 539.	174,	passed April 8, v. iv, p. 683.
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536,	passed April 15, v. iii, p. 373.	236,	passed April 11, v. iv, p. 186.
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 399, passed April 14, v. v, p. 202.
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